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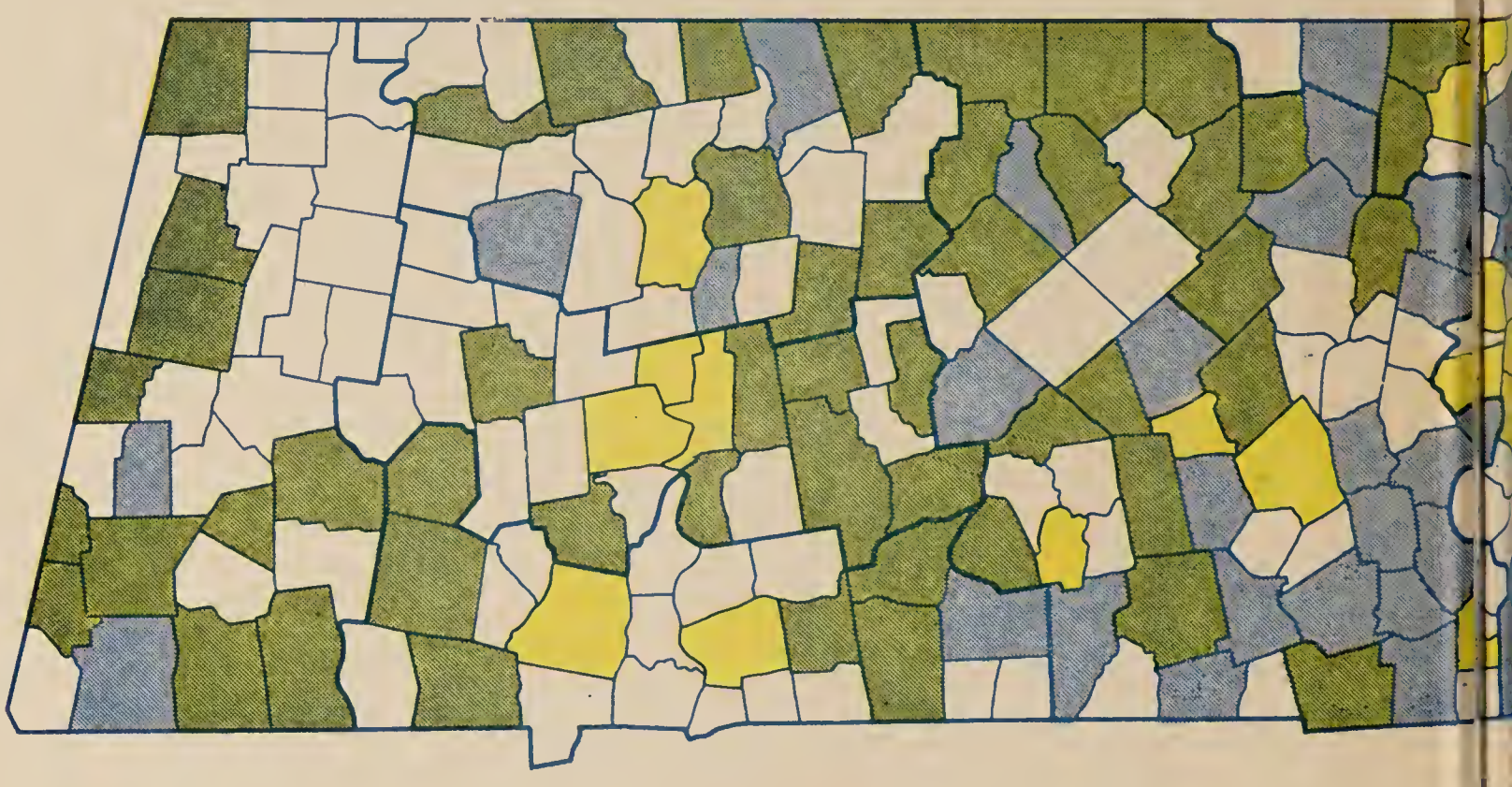

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- OTHER SETTLEMENTS UP TO 1690
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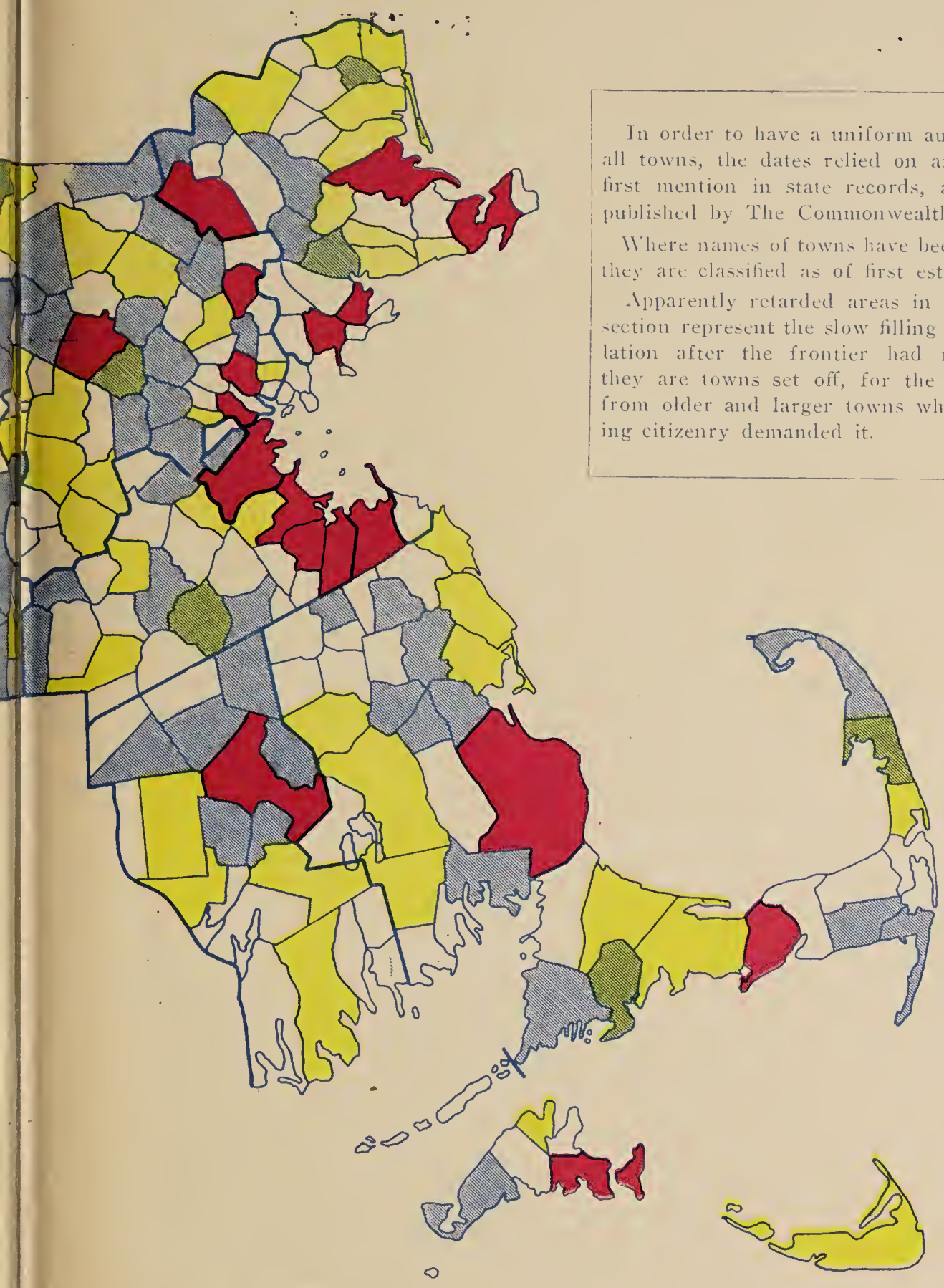

In order to have a uniform authority for all towns, the dates relied on are those of first mention in state records, as officially published by The Commonwealth.

Where names of towns have been changed, they are classified as of first establishment.

Apparently retarded areas in the eastern section represent the slow filling in of population after the frontier had moved on; they are towns set off, for the most part, from older and larger towns when a growing citizenry demanded it.

E ORDER OF THEIR SETTLEMENT

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Cottonus Matherus

[illegible] Doctor Regiæ Societatis Londinensis Socius,
et Ecclesiæ [illegible] Postonum Nov. Anglorum nuper Præpositus.

[illegible] Sæc. LXV. MDCCXXVII [illegible] ab Origine Fecit et excudit

COMMONWEALTH HISTORY

of

MASSACHUSETTS

[illegible]

ALBERT [illegible]

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MEMBER OF MASSACHUSETTS [illegible]
UNITED STATES [illegible]
DESCENDANT [illegible]
[illegible]

[illegible]

VOLUME [illegible]

THE REVEREND COTTON MATHER

From an original of the mezzotint
by Peter Pelham, 1727,
in the Museum of Fine Arts, Boston

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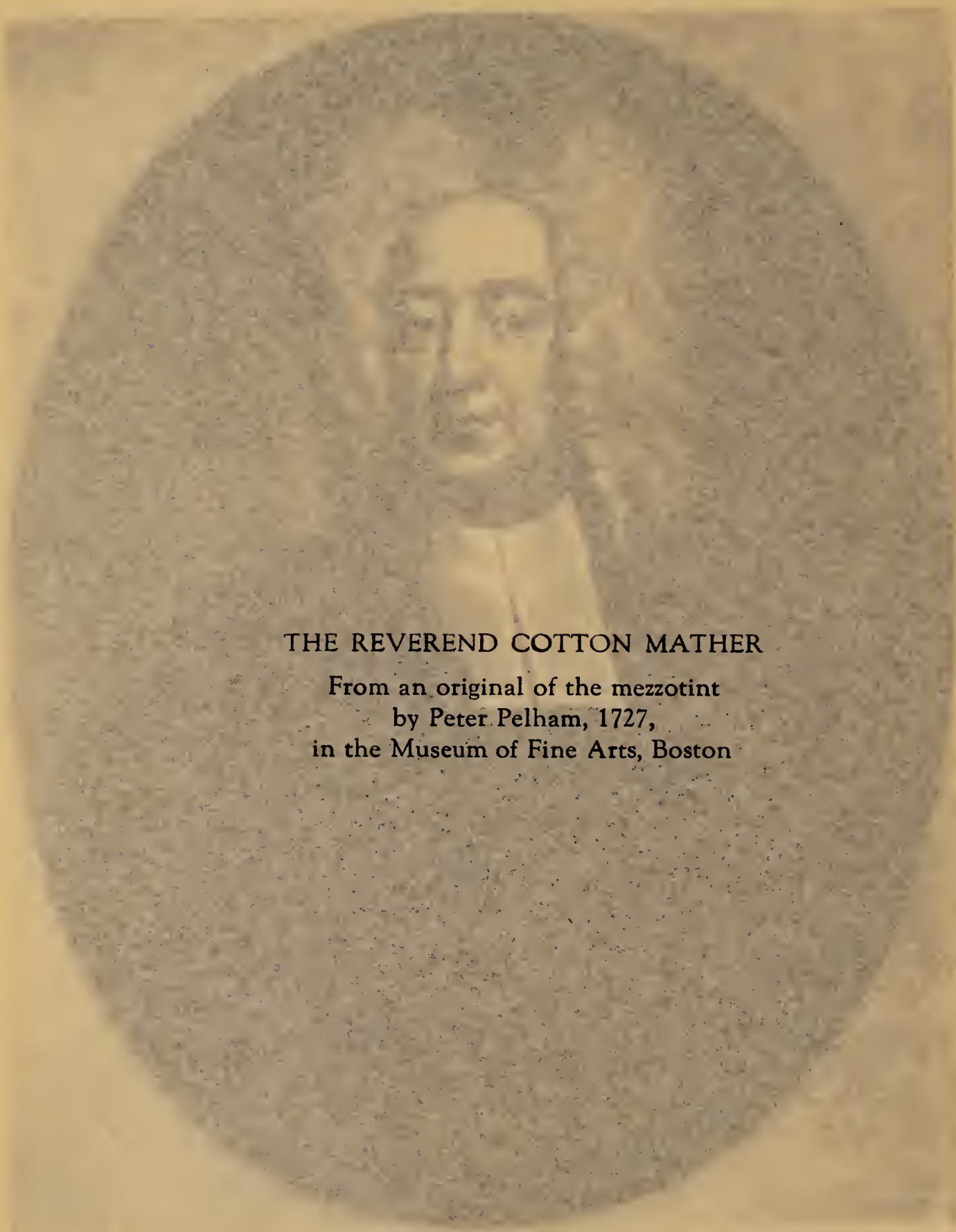

THE REVEREND COTTON MATHER

From an original of the mezzotint
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in the Museum of Fine Arts, Boston

COMMONWEALTH HISTORY *of* MASSACHUSETTS

EDITED BY

ALBERT BUSHNELL HART

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VOLUME SECOND

PROVINCE OF MASSACHUSETTS

[1689-1775]

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CHAPTER I

POLITICAL HISTORY

THE PROVINCE CHARTER (1689–1715)

By Marcus W. Jernegan
Professor of American History, University of Chicago

Groundwork of the Commonwealth (1630–1691)

The Massachusetts Charter of 1691 marks the beginning of a new epoch in the history of Massachusetts. The issues involved, however, go back to the time of John Winthrop. Even then two parties existed in Massachusetts; those represented by the magistrates and clergy; and those "who were not of the churches." The clerical party was also divided, especially from the time of Roger Williams, into a conservative and a much smaller radical group. The political history of Massachusetts in the seventeenth century was thus greatly influenced by the effort of the conservative clerical party to maintain its power; not only against the more democratic non-church member group, but also against the more liberal elements within the church.

The methods by which the ruling party consolidated its power have been described in previous chapters. They made church membership a prerequisite to admission to the company, and hence to the franchise. They confined the chief officers of state to a small body composed of the "elder statesmen." Power was given to the upper house, composed of Governor, Deputy Governor, and Assistants, to negative the acts of the lower house. They concentrated most of the judicial power in the hands of the Assistants. They recognized a super-government, a virtual "third house," in the persons of the clergy. They subordinated civil government to the ideals of a theocratic state, largely directed by a select and compact group of leaders who strenuously opposed religious toleration. Thus they imposed

an obligation on all property owners to support the established (Congregational) church. All these factors influenced the events which led up to the new charter and explain in part the nature of that frame of government.

On the other hand, throughout this régime numerous protests were made from time to time by the unenfranchised; and efforts were repeated to enlarge church membership by allowing a less strict test of orthodoxy. Another influence was the rise of representative government and the increase in the power and influence of the deputies. The colony franchise was sometimes extended to those who were not strictly orthodox; and in the town governments many non-church members voted. The enactment of legal codes from time to time had a restraining influence on the "elder statesmen" and the clergy.

Some checks to religious intolerance helped to increase the proportion of leaders of the second and third generations who were more liberal-minded than those of the first. Lack of unanimity also increased, because of commercial activity, the influence of wealth and of the growing proportion of non-church members. All these factors helped to promote the growth of a permanent moderate party opposed to the clerical party.

Basis of a New Government (1692)

Besides these internal influences, the course of the controversies with England led the mother country to single out Massachusetts as the most dangerous of all the colonies. She resented the independent attitude of that colony; its leadership in the formation of the New England Confederation; its opposition to the Navigation Acts; the domineering attitude towards the neighboring colonies; the acquisition of contiguous territory; the growing tendency to become a trade competitor with England. This feeling was aggravated by the numerous complaints made by the more liberal elements with respect to arbitrary and intolerant government, a continuous cause of contest. Finally England resented the scant attention which Massachusetts paid to letters from the King and to a royal commission respecting intolerance, restriction of the franchise, violation of the charter, the passage of laws contrary to English law and denial of appeals from colonial courts.

Clearly these sets of factors and the collapse of the Andros régime and discredit of the Dominion Plan of government greatly influenced the tenor of the new Province Charter of 1691. The period from 1684 to 1691 intensified the struggle between the old theocracy, which was anxious to recover the old charter and to reintroduce the old order, and the more moderate party which looked towards a new order and was hostile to the clerical party in State and Church. Many great land owners, merchants and ship owners, as well as small shopkeepers and farmers, were becoming more interested in economic advance and more amicable trade relations with England than in the restoration of the old intolerant government in Church and State.

Notwithstanding the evils of the Andros government, the people did have during his régime a taste of more freedom of conscience. Dissenters were not required to attend the services of the Congregational church or to contribute to its support. With the departure of Increase Mather to England in the spring of 1688 as agent of the colony, with the revolution of 1688-1689 in England and Massachusetts, and with the return of the clerical party to power, the stage was set for another attempt to solve the old problem.

The Interregnum (1689–1692)

The so-called inter-charter period, 1686-1692, has been treated to 1689 in a previous chapter. The events following the overthrow of the Andros government, from April 18, 1689, may be briefly summarized, before taking up the mission of Increase Mather and his associates, and the arrival of the new charter at Boston, May 14, 1692. At the fall of Andros an extralegal provisional "Council for the Safety of the People and Conservation of the Peace" was formed by the clerical party, with Bradstreet as president. This body called a convention of delegates from the towns, May 9, 1689. Owing to a disagreement, a second convention assembled May 22, with representatives from fifty-four towns; all but fourteen instructed their representatives to vote for the restoration of the old charter. A new government was formed, which was understood to be only provisional; viz., "until by direction

from England there be an orderly settlement of Government." The former Governor Bradstreet, now 87 years old, and the Council, chosen in 1686 at the last election under the old charter, assumed office. The General Court met in June, with a newly elected Lower House, and declared the old laws provisionally revived; but it soon adjourned. This weak government was soon in trouble. Governor Bradstreet complained of Indian depredations and an empty treasury. The outbreak of the war between England and France (May 7, 1689) added to the confusion; while lack of protection on the frontiers resulted in Indian massacres.

In December, 1689, a letter from the King gave authority to those in office to "continue their administration of the government" till further orders; but no such further orders were announced till the signing of the new charter nearly three years later. The King's letter, however, was interpreted to mean a temporary restoration of the old charter, and elections were held under it. One important act of the Lower House was that of December 3, 1689, when Elisha Cooke and Thomas Oakes, both members of the moderate party, were appointed to proceed to England as associates to Mather in his agency.

Indian wars in Maine combined with French intrigues with the eastern Indians on the Kennebec led Massachusetts to join with delegates from Plymouth, Connecticut and New York, May 1, 1690, resolving on an expedition against Quebec. Two days earlier Massachusetts had dispatched an expedition by sea to Acadia under Sir William Phips. He captured Port Royal and destroyed the French fort. The expedition against Quebec, however, ended in a failure the following October. However, the great questions which disturbed the people of Massachusetts were: first, the possibility of a restoration of the old charter, with or without alteration; and secondly, the degree of self-government they might hope to obtain. Outside those questions was a deep dissatisfaction because of heavy taxation, issues of paper currency, and a generally depressed condition of trade.

Agency of Increase Mather (1688–1689)

April 7, 1688, nearly a year before the overthrow of the Andros government, Reverend Increase Mather, minister of the

Second Church in Boston, sailed for England as a delegate of some twenty congregations, for the purpose of bringing complaints against the Andros administration and of obtaining a restoration of the privileges contained in the old charter, in short, a restoration under the old régime if possible. His departure was made at night, in secret and under a disguise, because of the effort of Randolph to prevent his voyage. After arrival in England (May 25, 1688), he had several conferences with King James, but without much result other than fair promises.

Mather busied himself with making friends, one of whom was William Penn. He presented a "Personal Memorial in behalf of New England" to the King in July 1688, and sent a petition to the Committee of the Privy Council for Trade and Foreign Plantations. Both were signed by Samuel Nowell, ex-treasurer of Harvard, and Elisha Hutchinson, formerly an assistant in the colony.

They set forth the grievances of Massachusetts and proposed remedies; and have an important bearing on the charter as finally granted. They show that Mather had much more liberal views at this time than might be supposed. In the "Memorial" he asked for confirmation of land titles; that no taxes be imposed without the consent of an assembly; that there be restoration of town government; and that there be "liberty of conscience in matters of Religion." In the petition he went even further and asked that the towns be allowed to decide town business by vote of a majority of the "freeholders" (not "freemen") or property owners. He asked that the General Assembly be elected by freeholders; that no man be obliged to maintain a religion he did not profess; and that each sect be left to support itself. He also presented a petition from Plymouth asking for freedom of worship.

Mather did not at this time, as has often been asserted, fight merely for the advantage of his own sect, but rather for the Massachusetts people as a whole. Some of the important principles of liberal government, advocated by Mather, were rejected by the Committee for Trade and Foreign Plantations. The revolution of 1688 interrupted these efforts. He met James for the last time October 16. William landed in

England in November, and James sailed for France November 23, leaving William in Whitehall, master of the situation.

So ended the first stage of the negotiations. From this date on, Mather had to deal with a new king and his position was now considerably changed; for William III was looked upon as the preserver of the rights of Englishmen everywhere. Mather had an audience with the new king, and the royal secretary, January 9. Soon after the interview an order was prepared confirming in office all the colonial governors. Through Mather's efforts the King ordered that the letters to the New England colonies should be withheld, which proved to be a very fortunate move. Otherwise, Andros would have continued in power, and perhaps would have succeeded in completing the consolidation of the Dominion of New England. Mather next petitioned for a restoration of the New England charters, including that of Massachusetts. Late in 1689 he also tried to obtain a reversal of the judgment against the old charter by act of Parliament. Meantime the overthrow of Andros had occurred, news of which reached England sometime in June 1689, an act which William fortunately approved. During 1689 Mather published several pamphlets in defence of the course of Massachusetts and the old regime. Among them were: *A Narrative of the Miseries of New England; New England Vindicated From Unjust Aspersions Cast on the Former Government There, etc.; A Further Vindication of New England, etc.;* also *A Brief Relation of the State of New England.*

By the end of 1689 Elisha Cooke and Thomas Oakes, appointed as agents of Massachusetts, arrived as associates of Mather. They sought the restoration of the old charter and were less conciliatory than Mather. Sir Henry Ashurst, a wealthy London non-conformist, was also recognized as an agent of the colony. By this time, however, conditions were becoming more unfavorable to Massachusetts. Letters were arriving from Mather's opponents in Boston, Randolph and the Episcopalians. In March, 1690, Andros, Randolph, and their friends were in London. Owing to a failure of the agents to agree on charges against Andros he was dismissed without a trial. This was a hard blow to Mather, for his complaints of the misgovernment of Andros were connected

with his plan for a restoration of the old charter. Pamphlets against such a restoration appeared, one of which declared that the New England charters were seized because of abuse "in destroying, not only woolen and other manufactures, but also the very laws and navigation of England, and making themselves, as it were, independent of this crown." During most of 1690 William was not accessible and so Mather was obliged to bide his time.

The conditions which confronted the clerical agent were very serious from the standpoint of securing the kind of a charter Massachusetts wanted. William was first of all a soldier and had entered on a long conflict with France. His natural desire would be so to organize Massachusetts that he would find that commonwealth a help to him in the defense of the frontiers of the colonies. This made it necessary to establish a strong executive, dependent on the King. Indeed in the two years since the fall of Andros and the outbreak of the French war Massachusetts proved to be a broken reed in frontier defense. A petition from the inhabitants of Maine (1689) called attention to their defenceless condition. While Port Royal was captured by Sir William Phips, the expedition sent out by Frontenac captured Falmouth, Maine, in May 1690, burned the town, killed most of the garrison of seventy men, besides women and children. Phips arrived in England early in 1691 and urged an aggressive policy towards Canada, set forth the necessity of checking the French, and enlarged on the opportunity to seize the fur trade and fisheries of North America.

The Charter Drafted (1691)

Mather needed the strong support of the London merchants, a group naturally allied in many political and religious views. But they had been alienated by the attitude of Massachusetts towards the Navigation Acts, and the propensity toward smuggling. Accordingly they also wished a strong royal executive, who would see that the Navigation Acts were enforced —hardly to be expected if the old charter were revived.

Mather was left with few allies in England, and now turned to King William III. He petitioned, October 1690, for a new charter. Orders were given accordingly. The task was re-

ferred to the Committee for Trade and Plantations, in January, 1691. The important questions were: first, whether the people of Massachusetts should, through their assembly, make their own laws, and choose their own officers; secondly, whether there should be a royal governor appointed by the king, and other officers appointed by the royal governor; third, whether the governor should have the power of vetoing the laws of the Assembly, and whether the crown should also have the power of disallowing such laws.

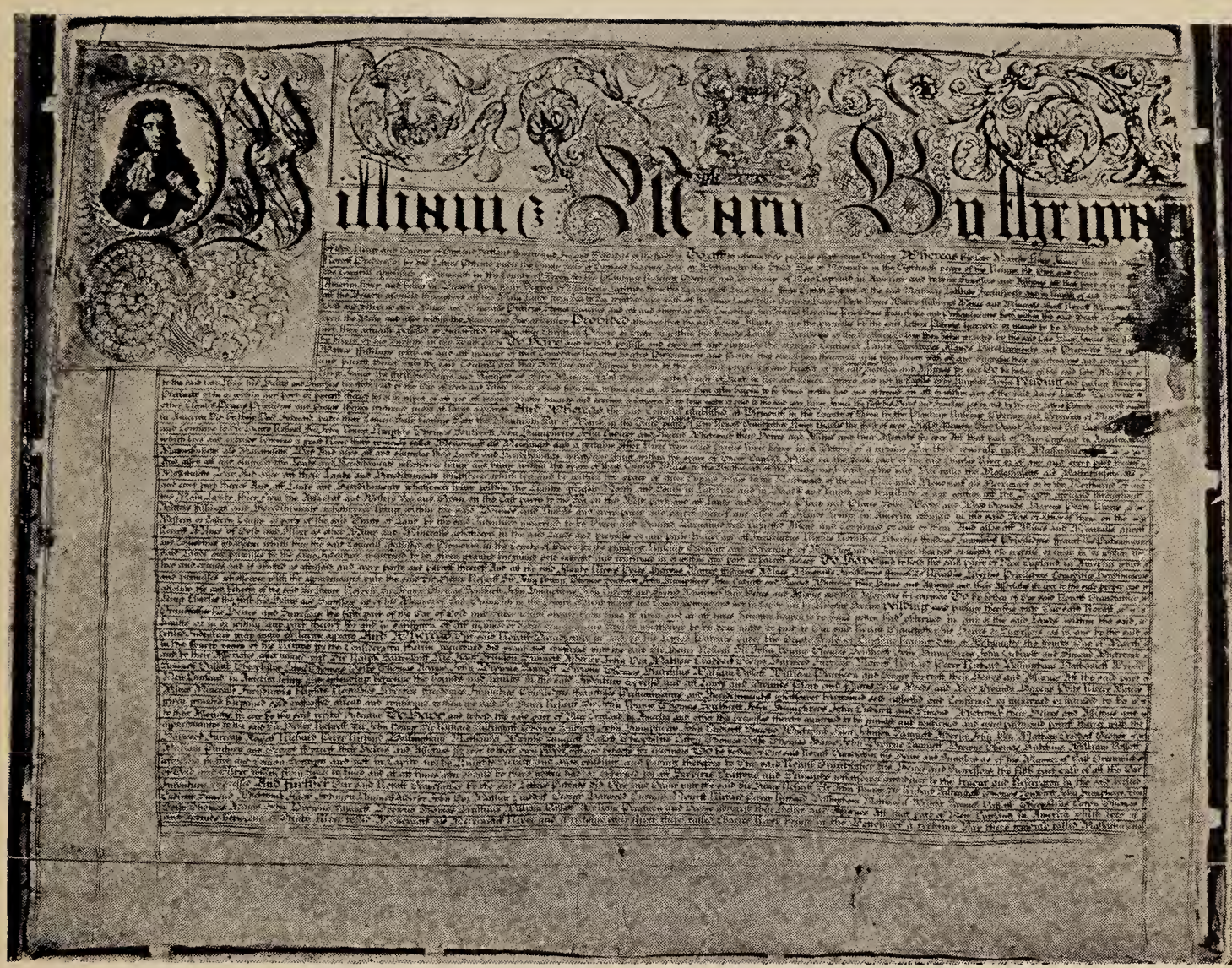
After discussion, the Committee asked the King whether he desired a governor appointed by the King, or would allow the people to choose their own governor. He replied that the former was his wish. The Privy Council, of course, by command of the King, soon issued an order that the Governor should have the power to veto acts passed by the colonial Assembly.

To the Attorney General, Sir George Treby, was committed the task of drafting the charter; and he submitted his results to the Lords of Trade, June, 1691. In this first draft of the charter, the freemen (not the freeholders) had power to choose the deputy governor and other officers; and the governor had no veto. It has been said that Mather influenced the Attorney General to insert partial revival of clauses of the old charter. The Council, however, declared "That by such a Charter . . . the King's Governor would be made a *Governor of Clouts.*"

The Charter Redrafted (1691)

Accordingly a new charter was, therefore, drawn up, giving the governor the power to appoint judges, justices of the peace, and sheriffs with the advice of the Council. In this draft the critical point for the suffrage was adjusted, namely, a clause giving the suffrage to "freeholders" rather than to "freemen" only.

This grant of the right of veto to the royal governor called out Mather's famous remark (a diplomatic blunder) that he would sooner part with his life than consent to "minutes or anything else that did infringe any liberty or privilege of right belonging to his country." He was told by



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THE CHARTER OF 1692

the ministers, however, that his "consent was not expected nor desired." Mather also objected to leaving to the Crown an indefinite time in which to disapprove laws. Mather did not on this occasion, as often asserted, specifically object to the suffrage clause. On the contrary, he and the agents agreed that the Assembly be chosen by the freeholders having £40 a year and by inhabitants worth £100 money. No evidence appears that Mather, as often stated, directly advocated the limiting of the franchise to church members. It would have been strange if he had, for he knew that the colony had already voted to the contrary; and he also was aware that there was no possibility that the King would tolerate the old suffrage restriction, in view of the English Toleration Act of 1689. Moreover, William, who was a "Dutch King," had very liberal views on toleration.

In February, 1690, the General Court had passed an interesting act which was probably designed to quiet some of the discontent, and perhaps was expected to influence the King to renew the old charter. It greatly modified the law governing the franchise, by repealing the portion which required a testimonial to the candidate's religious character from his minister; and substituted a certificate from the selectmen to the effect that he was "not vicious in life." Thus the General Court had already voluntarily modified the old strict religious test.

Mather and his associates now "resolved to get as much good and prevent as much hurt to the country as possibly might be." They proposed several amendments, one for additional territory, one changing the nature of the oath, and one for the confirmation of land grants by the General Court.

The new charter was signed by the King, October 7, 1691. One important point was gained by Mather. He was allowed to nominate the first governor, Sir William Phips, a member of the church of his son, Cotton Mather; and twenty-eight Assistants or Councillors. Thus the old clerical party still had great influence when Mather and Phips sailed for Boston, May 14, 1692.

The Charter Granted (1691)

The Charter of 1691, to which Mather thus assented, was a compromise. It created a semi-royal colony, a combination

of the corporate and royal. Probably one reason for the form of the Charter was military. It was the desire of William, a soldier in arms, to keep as much of the good will of Massachusetts as possible as an aid to his military plans against the French. A second reason was religious. William was naturally tolerant and a defender of civil liberties. A third reason was that the trade interests of Great Britain required better enforcement of the Navigation Acts. In general, it was desirable to bring Massachusetts more thoroughly into the British system. The clerical party was angry and charged that Mather had betrayed them, especially on the franchise question. Mather's repeated attempts to secure a restoration of the old charter indicate that he desired to reestablish the old theocracy. Nevertheless, the documents cited show that he advocated a property franchise rather than a religious qualification, likewise that he in general favored toleration before the time of his specific attempts to recover the charter through act of Parliament and court action. After these attempts, Mather made no specific objections to clauses on these subjects. In the end he signed the charter. These facts place Mather in the position of a statesman representing the colony as a whole, rather than a representative of the narrow intolerant views of the theocratic party of which he had been an outstanding leader.

Comparison with the Old Charter (1691)

The new charter differed in many important respects from the old colony charter. It will be remembered that under the old charter, after its transfer to America, officers were chosen by the freemen, who were a small body of church members in full communion and approved by the General Court. In number they were not more than one fifth of the male citizens, during the seventeenth century. The old legislative power was in the General Court, from which there was no appeal to England. It had the sole power to make laws, raise money, levy taxes, dispose of lands, and receive appeals from inferior courts. It could not be adjourned or dissolved without the consent of a major part of the members. The Governor had a casting vote but no veto. The executive power was

lodged in the Governor and Assistants, as was also most of the judicial power.

The new charter offered gains and losses, advantages and disadvantages. The original boundary of the Colony was confirmed, except that "and every part thereof" was omitted after the phrase "three miles north of the Merrimac." Even the clause giving territory to Massachusetts all the way to the Pacific Ocean was retained. While Maine (acquired by Massachusetts in 1652-53 and now confirmed) was kept, New Hampshire was left out. The added territory included the old Plymouth Colony, Nova Scotia, for a brief period, and the islands south of Cape Cod; namely, Martha's Vineyard, Nantucket and the Elizabeth Islands, which up to that time were a part of New York under the Duke of York's grant of 1664. Massachusetts had now become a very large commonwealth. Except for a little stretch of coast at the mouth of the Piscataqua in New Hampshire, it occupied an unbroken coast line stretched from the mouth of the St. Lawrence to Rhode Island.

Frame of Government (1691)

The charter provided for a considerable degree of liberty and self-government, not inconsistent with the needful authority of England. In place of their former elective governor and other executive officials, a royal Governor, Lieutenant-Governor and Secretary were thenceforth appointed by the King and responsible to the King. The official status and powers of the Governor resembled those of the Governor General of the Philippines. The governor was given the power to veto the acts of the General Court, and the King might veto any law within three years of its passage.

The Governor was also made commander-in-chief of the militia; could appoint militia officers; and could exercise martial law in case of necessity. With the consent of the Council he could appoint judges of the colonial courts and all other court officers, though their term of office remained in dispute. His consent was necessary for the appointment of all other officers nominated by the General Court. He could also summon, adjourn and prorogue the General Court. The Governor was not allowed to use funds except by consent

of the deputies. On the other hand no money could be issued from the treasury without the Governor's warrant.

The Council or upper house was made up of 28 members, to be selected by the King. The first set was in fact nominated by Mather. Thereafter it was to be selected annually by the General Court, subject to the approval of the Governor. This Council was unlike the council of other royal colonies, in that it was more under the control of the Assembly. It was also somewhat representative in character; for 18 of the councillors must be inhabitants or land holders in Massachusetts; four in what had been the Plymouth colony; three from Maine; and one from the territory to the north. The Governor and Council had the power to constitute probate courts.

The House of Representatives, or lower house was elected annually by the freeholders in town meeting. It appointed officers other than military and judicial, with consent of the Governor. The salaries of the Governor and the judges were under the control of the lower house, an important power.

The Governor and Council and the House of Representatives together made up the legislature or General Court, composed of two branches. Bills passed by both branches must be approved by the Governor; viz., they were subject to his veto and to disallowance by the King in council. The General Court had the power to constitute all judicial courts except courts of admiralty and probate courts. It also received power to impose fines and punishments and to levy taxes for the defense and support of the government.

Royal Control under the Charter (1691)

The charter reserved to the Crown the creation of admiralty courts, the officials of which were later appointed by the Lords of the Admiralty, a cause of jealousy and disagreement. The officials were the judges, the prosecutors and other officers—King's advocates, registrars, and marshals. The last provision of the charter called for the continuation of the office of Surveyor of Woods, a royal official, one of the annoying offices held at one time by Edmund Randolph.

Another group of royal officials which continued, was that

in charge of the customs house, a later center of friction. The office of Collector of Customs previously had been held by Randolph. Imposts due the English exchequer were paid to the King's collectors; those levied by the General Court would be collected by colonial naval officers. Another set of officials, appointed by and accountable to the General Post-Office in England, was the managers of the post-office.

Clearly the source of power under the new charter was distributed widely. The points of contact were perhaps too many for a successful government: King and Privy Council; three departments, Admiralty, Customs and Post-Office; the Governor; the two houses and Governor must agree for the passage of laws; no laws to be passed contrary to acts of Parliament. Two possible vetos were provided, that of the Governor and that of the King in Council, on the advice of the Board of Trade. Besides this divided authority, an elective rather than an appointive council was a weakness from the standpoint of strength to the executive. Members who opposed the assembly would fail of re-election; those who opposed the Governor would be vetoed if re-elected.

Advantages and Disadvantages of the Charter (1691)

The critics of the charter were numerous. It was urged first that Massachusetts could not be as independent under the new charter as under the old one: the checks on self-government were too numerous. Secondly, the clerical party and the Congregational Church lost most of their religious, political, judicial, and educational power. In this sense Mather failed, if it is assumed either that the majority wanted the old charter, or that it was possible to get it. While it is probably true that the majority in Massachusetts wanted the same degree of independence given by the old charter, it is also probable that a majority did not wish a return to theocratic control. In fact, much of what Massachusetts lost under the new charter was that degree of independence, previously exercised by custom rather than by legal right under the old charter. On the other hand, it is undeniable that a royal governor was substituted for an elective governor, with such large powers that Massachusetts was brought more directly under the control

of England and into the life of the Empire as a whole. It was now possible to watch the colony more closely, and to check tendencies to evade the laws and to act independently. The great offset to the power of the royal Governor was his dependency, through the legislative control of the House over the Council; and its financial control over the Governor's salary through the practice of annual grants for his salary.

Personal Privileges (1691–1775)

The major gain to Massachusetts was the replacing of the provisional government of Andros by a permanent and reasonably liberal charter, which confirmed many privileges exercised, however extralegally, under the old charter. Among them were the right to tax non-freemen, to establish towns and town government, to inflict capital punishment, to constitute courts, and to probate wills. Certain guarantees were also inserted. All titles to land granted by the old General Court were confirmed.

In matters of religion, "Forever hereafter there shall be a liberty of conscience allowed to the worship of God to all Christians" (Papists of course not included).

Colonists were allowed to appeal from the decision of the colony courts to the Privy Council in cases not exceeding the value of £300 sterling. By this limitation the Crown abandoned the right to hear all cases on appeal. "Freeholders" rather than "freemen" constituted the voting class; £50 personalty or a freehold of the value of 40 shillings, rather than church membership was the criterion for voting.

The charter also contained the important clause that natives and inhabitants should have "all liberties and immunities of free and natural subjects . . . as if they were born within the realm of England." The popular assembly controlled the purse, and hence had control over the salaries of royal officials. It was certain to continue that ascendancy, for the Governor was left practically alone, without a permanent Council of his own appointment on which he might have depended in his effort to maintain the prerogative.

The charter was not wholly the work of Mather nor wholly the result of the liberality "of England and a Dutch King."

Indeed, certain features which made Massachusetts more dependent on the Crown were bitterly opposed by Mather. On the other hand there is good evidence that the liberal minded King and a group of English statesmen favored religious toleration and a property franchise, points which Mather also specifically supported on two occasions, in spite of his attempt to revive the old charter. In a large sense the English Revolution, with its fundamental ideas of tolerance, of the importance of the legislative assembly, and of a government based on civil law, was the foundation of the popular element of the charter.

Workings of the New Government (1692–1697)

May 14, 1692, the new government was inaugurated: writs were issued for the election of officers, and Massachusetts for the first time became a real dependency of the British Crown.

With the organization of the new government, under Sir William Phips, various important problems arose. An early question was what effect the new charter had on the old codes of law. One of the first acts passed by the General Court confirmed the former laws of Massachusetts and Plymouth until the following November; at that date they were renewed without limitation. Then, instead of framing a new general code of laws, detached acts were passed. The reenactment of the old codes tended to nullify the new charter in part; therefore this act was disallowed (1695) by the Privy Council, which held that laws to be continued must be "particularly specified." This was a warning from England that the internal legislation of the General Court would be carefully scrutinized.

Another important act was a sort of bill of rights, which breathed a spirit of independency, in spite of the limitations of the new charter. It provided that no tax, custom, or imposition should be levied on their estates "on any pretence whatsoever, but by the act and consent of the governor, council and representatives of the people in general court." This act was in effect a denial of the right of Parliament to tax the colony for any purpose. Hence, it was duly disallowed.

In the next few years four different acts were passed for the establishment of courts of justice. The first three were dis-

allowed because the provision concerning appeals to England did not conform to the charter. Many of the laws enacted by the General Court breathed the spirit of the old charter. A law for punishing capital offenders, including idolators, blasphemers, etc., based on the law of Moses, was also vetoed in England. In fact, of 45 acts passed in the first few sessions, 15 were subsequently disallowed. One for erecting a naval office was vetoed, because naval offices and their incumbents were under royal jurisdiction.

A second illustration of the difficult workings of the government under the new charter is the struggle for control between the assembly and the royal governor. Sir William Phips was born in Massachusetts, a careless, not to say ignorant, sea captain. In fact it was not until the arrival of Dudley in 1702 that Massachusetts was brought under the rule of a governor whose spirit and policy fully represented the British government. Nevertheless friction arose. The governor rejected the name of Elisha Cooke, nominated by the assembly for councillor, because he was an irreconcilable opponent of the new charter. Governor Phips rapidly lost popularity and before the close of 1693 had lost control of the House. He offended the representatives by ordering payment of money for purposes not designated in the appropriation acts. Protests followed on the part of the House; and in 1695 an act was passed to secure its rights in such matters.

Another act growing out of the friction between the lower house and the governor rather favored the governor. Up to this time, towns might elect as deputy a man who was not an inhabitant of the town he represented. Now by this new act he must be a resident and freeholder of the town represented. While this reduced the standard of ability in the house, it brought the deputies nearer the people of a town, and got rid of excess of representatives from Boston or vicinity. Most of these were friends of the old order and opponents of Phips.

Though Phips was friendly to the colony and not inclined to push the prerogative, he was arbitrary, undignified and easily lost his temper. He interfered with the King's collector of customs and even offered him personal violence. He was finally recalled to England and left the colony in November 1694. Until the appointment of the Earl of Bellomont as

Governor in 1697, Lieutenant-Governor Stoughton acted as Governor. Stoughton was mainly occupied with the war and with efforts to ward off Indian attacks. He was an orthodox, educated, typical New Englander, and his administration was on the whole quiet and peaceful.

Safeguards of English Authority (1696–1699)

It was in the midst of Stoughton's administration that England decided not only to supervise more carefully the internal affairs of Massachusetts but also her external affairs. England now commenced to revamp her commercial legislation with a view to exercising greater control over commerce. Since the middle of the reign of Charles II, the committee of the Privy Council had exercised authority in trade matters. It was superseded, on May 15, 1696, by a special board with the title "The Lords Commissioners for Trade and Plantation." The object was to institute a more rigorous policy for regulation of colonial governments. The main problem was the enforcement of the Navigation Laws, notoriously evaded in New England and particularly in Massachusetts.

The ideas underlying the formation of the Board of Trade were mercantilist. Trades and industries were classified as beneficial and hurtful; the former were to be improved and the latter discouraged. To protect and extend the useful trade of the kingdom, and to foster the introduction of profitable manufactures were important ends to be attained. In the case of the colonies, the board was instructed to inquire into the production of staples such as naval stores. Various industries which enabled the colonists to supply themselves with commodities usually obtained from England, such as woolen cloth, were deemed hurtful. They should therefore be diverted from producing whatever might be disadvantageous to England.

The Act of Trade of 1696 was important in its relation to the trade of Massachusetts. Numerous complaints had been received of smuggling and violation of the Navigation Laws in New England. The purpose of the act was to prevent frauds and regulate abuses in the plantation trade. This, with the creation of the Board of Trade, greatly affected the

nature of the control exercised by England over the trade of Massachusetts. It reenacted in substance the old Navigation Laws. Governors of the colonies were to be sworn to enforce the act. Customs officers could board ships and seize prohibited goods. Persons authorized could, by writs of assistance, and a constable or other public officer, enter houses, shops and warehouses, seize prohibited goods, and put them "in his Majesty's storehouse." The Treasury Board and the Commissioner of Customs were authorized to appoint customs officers in any town or port. It is clear that this act together with the setting up a vice-admiralty court in 1698 were designed to enable England to control the trade of Massachusetts more effectually. The first admiralty judge, Wait Winthrop, took office May 22, 1699.

Still another act, largely aimed at New England, was the Woolen Act of 1699. It forbade not only the exportation into foreign parts, but the conveying to any other plantation, of "wool or manufactures made or mixed with wool, being the produce or manufacture of any English plantations in America." "A Windsor good-wife, crossing the line for a visit to her gossip at Springfield, could not lawfully take a ball of yarn for her afternoon's knitting."

Political Progress (1698–1702)

A new governor, the Earl of Bellomont, arrived in New York, April 2, 1698, but did not come to Boston until May 26, 1699. The King had two reasons for this appointment. He wished somehow to overcome the disadvantages and check the disasters of the war in America, by providing for a more concentrated military control, through consolidation of colonial strength. So Bellomont was made Governor and commander of the military forces of Massachusetts, New Hampshire, New York, and New Jersey, in aid of defence and trade. This was in part a return to the Dominion of New England ideal and a step towards colonial union. He was also made Captain General of Rhode Island and Connecticut so as to bring their militia under the control of nearby royal governors. He also attempted to legislate their charters out of existence.

Due to the early death of the Governor and because of

From the portrait in the Maine Historical Society, Portland

SIR WILLIAM PHIPS

internal peace the plan had little effect. Though Bellomont was in Boston only during fourteen months, several disputes arose particularly over the question of appeals. The contention of the deputies was that appeals should take place only in specific cases. Another problem was their refusal to grant permanent salaries to royal officials. The General Court declared that Bellomont "should be their pensioner as long as they pleased." Bellomont made considerable efforts to put down pirates who infested the coast. In fact, he seized the notorious pirate, Captain Kidd, and sent him to England, June, 1699, for trial; where he was (justly or unjustly) duly executed. Bellomont died in New York, March 5, 1701.

Stoughton, Lieutenant-Governor, now again became Governor (1701). The Board of Trade was not satisfied with conditions in Massachusetts. That province had failed to undertake the expense of rebuilding a fort at Pemaquid, Maine. It also refused to pass acts desired in England for the better enforcement of the Navigation Laws. A letter to Bellomont from the Board of Trade, March 1, 1701, complained that "the independency they thirst after is now so notorious, that it has been thought fit those considerations and other objections should be laid before Parliament."

The report to Parliament complained that the chartered colonies "had not only assumed the power of making by-laws repugnant to the laws of England and destructive to trade, but they refuse to transmit their Acts, or to allow appeals, and continue to be the retreat of pirates and illegal traders, and the receptacle of contraband merchandise." Therefore "it might be expedient to resume their charters and reduce them to the same dependency as other colonies, which would be best effected by the legislative power of the Kingdom." A bill was introduced into Parliament for that purpose, but the King's death postponed the plan to revoke the charters.

Governor Joseph Dudley (1702–1715)

During the ten years of the workings of the new charter the policy of England towards Massachusetts and New England generally may be summarized as follows. The main purpose was to bring the colony under more complete control. This

had been accomplished in part by the disallowance of numerous laws, and in part through plans for a more strict enforcement of the Navigation Acts, particularly that for a vice-admiralty court. The second great purpose was to bring about a more effective defense of the frontiers; to hold France in check and, if possible, to conquer her chief colony, Canada. As a means to this end, the commission given Sir William Phips had made him General and Admiral of the King's land and sea forces in the northeastern provinces. The regulation of colonial trade and frontier defense was accentuated by the outbreak of Queen Anne's War in 1702, coinciding with the appointment of Joseph Dudley as governor.

This dignity had been in Dudley's mind ever since his return to England in September, 1692. He had occupied himself with intrigues, and was greatly disappointed not to receive the appointment as governor on the death of Sir William Phips. As Lieutenant-Governor of the Isle of Wight and as a member of Parliament in 1701, he became thoroughly saturated with the English notion of a colonial executive; and with Dudley's arrival royal administration really began in Massachusetts. Because of his unpopularity the King hesitated; but when presented with a letter from Cotton Mather authorizing Dudley to affirm that "there was not one minister nor one of the Assembly but were impatient for his coming," the King finally appointed him Governor.

Convoyed by two armed vessels, he arrived in Boston, June 11, 1702. His commission made him governor of both Massachusetts and New Hampshire, and commander of the militia of Rhode Island and Connecticut in time of war. His instructions emphasized several matters of importance: first, a permanent fort was to be built at Pemaquid, Maine; second, a fixed and adequate salary must be granted to the governor; third, all public money should be paid out from the treasury only by warrant under the governor's hand and with the advice of the Council; fourth, he was enjoined to prevent illegal trade.

Neither Phips nor Bellomont were governors satisfactory to England. In Dudley the King appointed a man of ability, a genuine royal executive, with a desire to work for England's interests. Dudley still smarted under his treatment seventeen

years earlier, when he left Boston, after five months in prison. He could be depended on to uphold the prerogative of the King to the utmost of his ability. His policy was in part dictated by these considerations, and in part influenced by the outbreak of Queen Anne's War with France.

News of this important event arrived in Boston, June 20, 1702. In his speech to the General Court he suggested that this body keep "within the strictest bounds of all Acts of Parliament;" advised the establishment of a regular and sufficient salary for the Governor, Lieutenant-Governor, and Judges; and called attention to the necessity of checking the "exorbitant growing power of France." The General Court was also told that New England was not a very profitable region to the Crown, but should be made more profitable. Hence the production of naval stores should be promoted. Also, supplies of men and money should be forthcoming for defense against the French.

Dudley's Disputes with the Assembly (1702–1708)

A series of disputes between the Governor and the House illustrate the difficulties of bringing Massachusetts under effective administrative control, and show the nature of the struggle for the balance of power between the Governor and the House. One dispute concerned the Governor's efforts to induce the House to make appropriations for the fort at Pemaquid, Maine, in accordance with his general instructions. Objection was made by the House that it was so remote from the settlements that it would give little security.

Another more important dispute arose over the small salary which the House granted the Governor; namely, six hundred pounds "for the present year." This was in harmony with the custom of Massachusetts. Phips had received an annual grant of £500 annually, and Bellomont had received £1,000, though it was not expressly stated that this was his annual salary. A letter from Queen Anne was received in 1703, suggesting that a suitable allowance should be settled on the governor without limitation of time. The reply of the Assembly was a temporary grant of £500 with the remark that the settling of permanent salaries on royal officers was not agree-

able to the constitution of the province. In June, 1705, Dudley sent a message "To move the new House for a suitable and honorable allowance for the support of the governor." The House replied that it was the "native privilege and right of English subjects to raise and dispose of money according to the present exigency of affairs." This defiance of royal instructions, if allowed, obviously would seriously hamper the executive, and in the end would concentrate power in the legislative assembly. Royal instructions could have little binding power on the Assembly and hence could not be regarded as law for the colonists, if this theory continued.

Another dispute arose in May, 1703, over Dudley's refusal to confirm several councillors nominated by the House. In particular he refused to accept five candidates, among whom were Elisha Cooke and Thomas Oakes, former agents of the colony—the latter, Speaker of the House and one of the most influential political leaders in the colony. These two men were determined supporters of the ideals of the old charter. Five others were chosen in their place. Elisha Cooke was nominated again the next May and still again in 1706; but both times the Governor vetoed the selection. Dudley seems to have been within his legal right in this controversy.

A somewhat similar difficulty was caused by the contention of the Governor that he had by the charter a right to negative the election of the Speaker of the House. The House presented the Speaker to the Governor for confirmation, but he refused to give his consent. In this case (May, 1705) Thomas Oakes, rejected by Dudley as councillor, was presented. He was rejected and the House was ordered to proceed to a new election. The House voted that it was "not in the governor's power to refuse the election of a speaker." Dudley's argument was that, if he had the right to negative acts of the assembly, he was within his constitutional right to refuse to ratify the election of the presiding officer. He also wrote the Lords of Trade that Oakes was "a known commonwealth's man, never quiet, nor satisfied with the government, but particularly very poor." Nevertheless, as war and public business were pressing, Dudley finally accepted Oakes. The Board of Trade later wrote Dudley that he was right in his assertion and that he ought not to give up his claim.

Another controversy was connected with the management of the war and by virtue of the authority conferred on the Governor to issue money from the treasury under his warrant. Dudley authorized expenditures not specifically provided for by act of the Assembly. Thus in November, 1704, he paid out £50 to the Lieutenant-Governor for services as commander of the Castle. The House at once declared that this was an arbitrary act, and a violation of English liberties. The Council, as on some other occasions, supported the Governor and called attention to the fact that the charter gave him this power; and declared the resolve of the House unjust and of no force.

The perennial question of rebuilding the fort at Pemaquid again came up in 1704, as an element in the pressing question of frontier defence. A letter was sent to the Crown by the House requesting that supplies and munitions of war be sent for the defense of the frontier. The war up to this time had cost Massachusetts some £80,000; and every tenth man was under arms. Nevertheless the Board of Trade wrote Dudley that it was unreasonable that the Assembly should expect to be furnished with stores of war at the expense of the Crown, while they refused to provide a salary for the Governor, and refused to pay for rebuilding the fort. Nevertheless, in September, 1704, the Assembly rejected all the proposals of the Crown and also refused to provide for a fixed salary for the Governor. One reason for hostility towards this plan was personal resentment towards Dudley, who was accused from 1706-1708 of working for the recall of the New England charters. The Mathers alleged that Dudley had a corrupt connection with one Vetch and others, for the purpose of illegally trading with the French in Acadia. In fact, Dudley was charged with bribery and with plotting to ruin the country. The House, however, voted that the charges against the Governor were "a scandalous and wicked accusation."

Harvard College Controversy (1686–1708)

A problem which caused Dudley much trouble was that of the charter of Harvard College. It was understood to have been abrogated at the same time as the Colony charter

(1686); and hence the college was technically for some time defunct in law. Increase Mather wrote Governor Dudley in 1686, "When you accepted of an illegal arbitrary commission from the late King James, you said, that the cow was dead, and therefore the calf in her belly; meaning the charter of the college and colony." On his return from England he resumed his former position as president of the college. In 1692 the General Court granted a new charter which varied considerably from the old. In particular there was no Board of Overseers, and the new colonial governor was left without influence, inasmuch as there was no "provision for a visitation of the King by his Governor." The act was disallowed in 1695 because of this omission. Governor Stoughton, October 12, 1696, reinstated the administration which had existed under the old charter "until his Majesty's further pleasure shall be known." Another act was passed (June 2, 1697), creating a new Harvard Corporation with the Governor and Council as visitors. When Lord Bellomont arrived as Governor, he stated that such an act would never receive the royal approbation.

A Provincial Statute of July 13, 1699, gave the power of visitation "to his Majesty and his Governor and Commander-in-chief for the time being of this Province." According to the Charter, five Fellows of the Corporation must always be Fellows elected from the Council. This also failed of the Governor's approval, for a provision had been inserted, at the insistance of Mather and other ministers, providing that the officers chosen must adhere to "the principles of reformation which were espoused and intended by those who first settled this country and founded the college and have hitherto been the profession and practice of the generality of the churches of Christ in New England." The Governor objected to the exclusion of members of the Anglican Church. Finally, in 1700 a new charter was agreed upon "to be humbly solicited" from his Majesty; but this failed because of the death of Lord Bellomont who was to gain the royal assent.

A controversy had arisen between President Mather and the General Court regarding his residence. The Assembly contended that he should reside at Cambridge, while the parson wished to reside in Boston where he held his pastorate.

Finally, Mather resigned (September 6, 1701) because the General Court declared: "That no man should act as president of the college who did not reside at Cambridge." Rev. Samuel Willard was made vice-president of the college, with the proviso that he reside in Cambridge "one or two days and nights a week."

Another effort was made to reconcile the old religious party headed by the Mathers with the new party holding more liberal views. After the death of Willard (September, 1707), the corporation elected John Leverett president (January 14, 1708); and, in opposition to the Mathers, the Representatives granted him a salary. December 6, 1707, a bill was passed reviving the ancient charter, thus making the Governor a member of the Board of Overseers. It was signed by Dudley, nor did the Privy Council interfere. Friends of President Leverett were established in the Corporation, and thus ended the struggle. Nevertheless, Increase Mather wrote Dudley a letter (January 20, 1708) charging him with "hypocracy and falseness in the affairs of the college." The Governor replied to a similar letter of Cotton Mather: "The college must be disposed of against the opinion of all the ministers in New England except yourselves, or the governor torn in pieces. This is the view I have of your inclination."

Results of Dudley's Administration (1702–1715)

In the last half of Dudley's administration disputes were less frequent. From the standpoint of England he acted in a statesmanlike manner. He was energetic in the prosecution of the war with France and made great efforts to secure the co-operation of other colonies. The later failures in the war were due more to the British Government than to Dudley. The problem of protecting the frontier was so pressing that little friction arose in securing from the General Court the necessary appropriations. In the latter part of the period Massachusetts was expending £30,000 a year for the war. Dudley had no complaint to make of such support and his administration was, from this standpoint, reasonably successful.

On the other hand he was defeated in his main demands. First on one question of frontier defence, the General Court

refused to pay for the fort at Pemaquid, nor would it contribute to the cost of the fort at Portsmouth. Again it refused to "fix" the salaries of the Governor and judges; instead it made Dudley an annual grant of £500, a smaller allowance than that granted to Lord Bellomont. The Governor was forced to approve the votes and take the money without serious remonstrance. He gave up the idea of obstructing the House in the choice of a speaker, and ceased to reject councillors nominated by the House.

In the last years of his reign, he distinctly lost ground. At the death of Queen Mary, the House refused to join the Council in recommending an address to the King for a renewal of his commission. The King appointed a new Governor, April 21, 1715, and Dudley retired. His weakness consisted, first, in his self-aggrandizement, and second, in his own determination to protect the prerogative of the Crown. Thomas Hutchinson later said of Dudley that "he had as many virtues as can consist with so great a thirst for honor and power."

SELECT BIBLIOGRAPHY

ADAMS, JAMES TRUSLOW.—*The Founding of New England* (Boston, Atlantic Monthly Press, 1921).—See especially chapter XVII.

Andros Tracts: Being a Collection of Pamphlets and Official Papers during the Period between the Overthrow of the Andros Government and the Establishment of the Second Charter of Massachusetts (3 vols., Boston, Prince Society, 1868-1874)—Edited by W. H. Whitmore. Vol. II contains reprints of a number of Increase Mather's pamphlets.

CHANNING, EDWARD.—*History of the United States* (6 vols., N. Y., Macmillan, 1919-1925)—See especially Vol. II, chaps. VII-VIII and X.

DOYLE, JOHN A.—*The English Colonies in America* (5 vols., N. Y., Holt, 1882-1907).—See especially Vol. III, chaps., V-VIII.

DUDLEY, JOSEPH.—[Correspondence of Increase Mather,, Cotton Mather, and Governor Dudley concerning Harvard College] (Mass. Historical Society, *Collections,* First Series, Vol. III, pp. 126-137, Boston, 1810).

ELLIS, GEORGE E.—"The Royal Governors" (Justin Winsor, editor, *Memorial History of Boston,* 4 vols., Boston, Osgood, 1880-1881)—See Vol. II, chap. II.

GREAT BRITAIN: BOARD OF TRADE.—*Journal of the Commissioners for Trade and Plantations from April, 1704, to December, 1722* (4 vols., London, 1920-1925).

GREAT BRITAIN: PRIVY COUNCIL.—*Acts of the Privy Council of England, Colonial Series.* (5 vols., Hereford, 1908-1912)—Edited by W. L. Grant and James Munro.

GREAT BRITAIN: PUBLIC RECORD OFFICE.—*Calendar of the State Papers, Colonial Series* (27 vols., London, 1860-1926)—Vols. X-XXVII contain papers for America and the West Indies, 1677-1714.

HIGGINSON, THOMAS WENTWORTH.—"French and Indian Wars" (JUSTIN WINSOR, editor, *Memorial History of Boston,* 4 vols., Boston, Osgood, 1880-1881—See Vol. II, chap. II.

KIMBALL, EVERETT.—*The Public Life of Joseph Dudley; A Study of the Colonial Policy of the Stuarts in New England, 1660-1715* (N. Y., Longmans, Green, 1911).

MASSACHUSETTS (Commonwealth).—*Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay* (21 vols., Boston, 1869-1922).

MASSACHUSETTS (Commonwealth).—"Charter of the Province of the Massachusetts Bay, 1691"; and "Explanatory Charter, 1725" (Colonial Society of Mass., *Publications,* Vol. II, pp. 7-33, Boston, 1913)—This volume also includes royal commissions of governors and other officials, 1685-1728.

MASSACHUSETTS (Commonwealth): GENERAL COURT.—*A Collection of the Proceedings of the Great, General Court or Assembly Of His Majesty's Province of Massachusetts Bay, in New England; Containing several Instructions from the Crown, to the Council and Assembly of that Province, for fixing a Salary on the Governour, and their Determinations thereon* (Boston, T. Fleet, 1729).

MURDOCK, KENNETH B.—*Increase Mather; the Foremost American Puritan* (Cambridge, Harvard Univ. Press, 1925).

OSGOOD, HERBERT L.—*The American Colonies in the Seventeenth Century* (3 vols., N. Y., Macmillan, 1904-1907)—See especially Vol. III, chap. XIV.

OSGOOD, HERBERT L.—*The American Colonies in the Eighteenth Century* (4 vols., N. Y., Columbia Univ. Press, 1924)—See especially Vol. I, chaps. VIII and IX; also Vol. II, chap. XX.

PALFREY, JOHN GRAHAM.—*History of New England* (5 vols., Boston, Little, Brown, 1858-1890)—A detailed account of the Massachusetts charter and of the history of New England in this period is given in Vol. IV, chaps. II-III, V-VI, VIII-IX.

QUINCY, JOSIAH.—*The History of Harvard University* (2 vols., Cambridge, Owen, 1840).

RANDOLPH, EDWARD.—*Edward Randolph; including his Letters and Official Papers from the New England, Middle, and Southern Colonies in America, with other Developments Relating chiefly to the Vacating of the Royal Charter of the Colony of Massachusetts Bay. 1676-1703* (7 vols., Boston, Prince Society, 1898-1902)—With historical illustrations and a memoir by R. N. Toppan.

SEWALL, SAMUEL.—*Diary* (Mass. Historical Society, *Collections,* Fifth Series, Vols. V-VII, Boston, 1878-1882)—See especially Vol. II for items relating to Governor Dudley.

WHITMORE, WILLIAM H.—"The Inter-charter Period" (JUSTIN WINSOR, editor, *Memorial History of Boston,* 4 vols., Boston, Osgood, 1880-1881)—See Vol. II, chap. I.

WINSOR, JUSTIN.—"New England, 1689-1763" (JUSTIN WINSOR, editor, *Narrative and Critical History of America,* 8 vols., Houghton Mifflin, 1889)—See Vol. V, chap. II.

WINTHROP, FITZ-JOHN.—*Winthrop Papers: Part V* (Mass. Historical Society, *Collections,* Sixth Series, Vol. III, Boston, 1889)—Correspondence of Fitz-John Winthrop, affording many references to Governor Dudley, also letters by him.

WINTHROP, WAIT.—*Winthrop Papers: Part VI* (Mass. Historical Society, *Collections,* Sixth Series, Vol. V, Boston, 1892)—This volume contains correspondence of Wait Winthrop and of John Winthrop, F.R.S., with many references to Governor Dudley.

WISE, JOHN.—"Narrative" (Mass. Historical Society, *Proceedings,* Second Series, Vol. XV, pp. 283-363, Boston, 1902)—In this narrative and the anonymous account on pp. 304-308 are recounted experiences in the expedition against Quebec led by Phips.

CHAPTER II

THE WITCHCRAFT EPISODE (1692–1694)

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Witchcraft in England (to 1640)

An understanding of witchcraft as it appeared in America and particularly in New England, with its most spectacular outbreak in Massachusetts, demands consideration of the state of mind and of the law on this subject in England. In general the situation in the seventeenth century was not unlike that on the continent of Europe. However closely associated with the persecutions for heresy, it is clear that the fundamental basis of witchcraft lay deeper than the tenets of any one religious system; and that its appeal was (and still remains in modified form) to the inherent credulity of the human mind under various conditions of culture and civilization. It is not strange, therefore, that it should have flourished in protestant England and been accepted by the leaders of the Reformation. Anglican bishop and Puritan parson were at least united in their belief in the existence of malignant evil agencies in the world, capable of affecting directly the lives of men. Ignorance of natural law, backed by biblical authority was quite sufficient to keep alive the traditional belief.

The first enactment against sorcery in England was in 1541. Previous to that year occasional executions had occurred, but the recorded instances are insignificant in number. Joan of Arc was executed as a witch in 1431 through English influence; and less conspicuous persons in England met a similar fate, estimated conservatively by Francis Hutchinson as about 140. As time went on, through the influence of

Cranmer, the passing of stringent laws against witchcraft during Elizabeth's reign, and the initiative of James First, more active measures were taken against the witches; and many were executed, but under somewhat less stress of torture than was habitual on the continent and in Scotland. Puritanism reached its greatest influence at the period when the persecutions for witchcraft were most active. A few executions are chronicled earlier during the reign of Henry VIII; but burning at the stake and extreme torture to elicit confessions was not at that time practiced. Reginald Scot in 1584 published his *Discovery of Witchcraft,* a bold and vigorous protest against prevailing error, but such was the fanaticism of the time that it had little influence.

The accession of James VI of Scotland to the English throne in 1603 marks the beginning of systematic persecution. He was vigorously opposed to the Puritan movement, and heartily disliked the Puritans and their doctrine; but in common with them he took upon himself the task of exterminating witchcraft throughout his domain. He had written a dialogue on the subject, and his convictions were confirmed by his tempestuous passage from Norway to Scotland after his marriage to Anne of Denmark. In 1597 his *Demonology* was published in Edinburgh, a book which had wide circulation owing to its royal authorship rather than to the wisdom of its contents. Reginald Scot's work was burned by the King's order and a new law was enacted, upon which were based the witchcraft proceedings of the following one hundred and fifty years. It was this law which stood in the eyes of the colonists as a justification for the proceedings in Salem in 1692.

Witchcraft in England (1640–1681)

During the Commonwealth in England although witch trials may have languished somewhat, there was extraordinary activity in hunting down the Devil's supposed confederates; it is impossible to say whether the ascendancy of Puritanism or other forces were responsible for the severity. Matthew Hopkins, the so-called witch-finder-general, was an outstanding figure of this period; no doubt the reaction from his methods, which led finally to his own death, may have been

an element in the decadence of the persecutions in England during the latter half of the seventeenth century.

An episode which had a most important bearing on the later happenings in New England was the trial of the two witches Amy Duny and Rose Cullender in Bury St. Edmunds before Sir Matthew Hale, chief Baron of the Exchequer, in 1664. Universally recognized as a man of unimpeachable character and as the leading lawyer of his time, Hale's pronouncement in this case became a precedent and undoubtedly exerted a profound influence on subsequent trials. Sir Thomas Browne, author of *Religio Medici,* a man of wide learning and of the highest station in the scientific world of his day confirmed the somewhat wavering mind of the judge on this occasion, when he gave as his expert opinion that "the devil in such cases did work upon the bodies of men and women upon a Natural Foundation."

The final judgment of the court which led to the execution of the two women was expressed in the following words—"That there were such Creatures as Witches he made no doubt at all; For First, the Scriptures had affirmed so much. Secondly, the wisdom of all Nations had provided Laws against such Persons, which is an Argument of their confidence of such a crime. And such hath been the judgment of this Kingdom, as appears by that Act of Parliament which hath provided Punishments proportionable to the quality of the Offence. And desired them (the jury), strictly to observe their Evidence; and desired the great God of Heaven to direct their Hearts in this weighty thing they had in hand: For to Condemn the Innocent, and to let the Guilty go free, were both an Abomination to the Lord." From this judgment there was no appeal and the stage was set for the pseudo-judicial proceedings which culminated in America in the Salem outbreak.

In 1681 Joseph Glanvil published his treatise entitled *Saducismus Triumphatus or a Full and Plain Evidence concerning Witches and Apparitions,* which passed through many editions and was generally accepted as authoritative. Other staunch believers in sorcery and demonology were Henry More, a Cambridge scholar and a friend of Glanvil; Cudworth; Casaubon, prebend of Canterbury; and the scientist,

Robert Boyle. The clergy was a unit in its insistence on the reality of witchcraft. The Rev. Richard Baxter commended Cotton Mather's *Wonders of the Invisible World* as a convincing expression of the true faith.

Against the mass of argument put forth in favor of the practically universal belief, a few feeble protests were raised. John Webster in a book entitled *Displaying of Supposed Witchcraft* entered the lists against the superstition of the time, but even he was strongly tinged with an underlying belief in apparitions and the like. Wagstaffe at Oxford also entered a protest. Lecky is no doubt right in assuming that the real influence at work, as represented by such men as Hobbes and Bacon, was the growth of a rationalistic attitude which took small account of popular doctrine, however supported by tradition. The entire structure of demonology was being undermined in England toward the close of the seventeenth century in spite of its supporting literature. The Puritans of New England were, however, unable to see the light until the final outbreak in Salem rudely opened their eyes. Their vision for the moment, extended no further than the laws promulgated by James I, and the precedent established by Sir Matthew Hale, with the background of a hopelessly intolerant and bigoted religious belief in the most violent and unmerciful precepts of the Old Testament.

Witchcraft in the Colonies (1636–1660)

It was inevitable that the state of feeling in England, regarding demonology should find ready acceptance among the American colonists and especially in Massachusetts and its neighboring provinces where Puritanism was rampant. The suprising fact is that for many years it attracted so little attention and that comparatively few persecutions took place, and still fewer executions, up to the fateful year 1692. It should not, however, be assumed that the outbreak at Salem Village, spectacular as it was, constitutes the only chapter in the witchcraft persecutions in America. During the seventeenth century, as for several centuries before in Europe, compacts with evil spirits were accepted as was conspiracy to murder, as a crime of the most heinous character, and laws for

its repression placed it along with other capital offences. As early as 1636 the Colony of Plymouth was disturbed by fear of witches, since among the laws against crime was one relating to witchcraft. In 1641 Massachusetts, and the next year Connecticut, adopted the biblical injunction: "If any man or woman be a witch, that is, hath or consulteth with a familiar spirit, they shall be put to death." This enactment was in force up to 1692. Proceedings in cases of witchcraft were carried on according to the English statutes, and what were conceived to be the laws of God, as expressed in the Bible. Rhode Island, in the Acts of May 1647, forbade the "use" of witchcraft and imposed the death penalty for its practice. At the outbreak of the Salem episode, this rather vague method of procedure was modified and elaborated by the appointment of the special court to which allusion will later be made in the consideration of the Salem trials.

There is some dispute as to whether the first witch was executed in Connecticut or Massachusetts. John M. Taylor in his *Witchcraft Delusion in Colonial Connecticut* is authority for the statement that one Alse Young was the first New England victim, hanged in Hartford, May 26, 1647; whereas Drake, in his *Annals of Witchcraft,* states definitely that Margaret Jones of Charlestown, Mass., was the first, June 15, 1648. This latter person was reputed a "physician," had a "malignant touch," and was versed in the use of harmless medicines, which in her hands were said to have "extraordinarily violent effects." She was tried and as a result of the vehemence of her denial of guilt, was condemned by the court as "lying notoriously." She was hanged in due course, an event which John Winthrop saw reason to believe was merited from the fact that "the same day and hour she was executed a very great tempest at Connecticut blew down many trees."

This execution led to renewed activity in the discovery of witches and encouraged the adoption of methods similar to those of the witch prosecutor Matthew Hopkins in England, though to the merit of the colonies, no such systematic method of persecution was ever generally employed. The records at this early period are inaccurate and somewhat contradictory.

In 1651, a Mr. Hugh Parsons and his wife, Mary Louis, came under suspicion in Springfield. After much litigation he

was acquitted and disappeared from the records but his wife was executed on the final charge not of witchcraft but of having murdered her baby.

Many persons were under suspicion of witchcraft in the colonies and doubtless some were executed, of whom no records remain. It is certain that the enforcement of the law was lax, in contrast to the severity shown later at Salem. According to Hutchinson, the second person executed in America (June 17, 1656), was Mrs. Anne Hibbins, wife of William Hibbins, at one time the colony's diplomatic agent in England, a woman of high character and exemplary conduct. Not all the reputed witches were convicted. Eunice Cole of Hampton, New Hampshire, was universally regarded as a witch of most dangerous character but was ultimately "suffered to live." Jane Welford of Portsmouth fared even better since although suspicion against her was strong, the court ordered that she be paid five pounds, and the cost of her persecution be remitted. There were other instances of such discrimination. That the persecuted Quakers were regarded as witches is probable, but although tried by similar methods, they escaped the final penalty.

Massachusetts Witchcraft (1660–1690)

Scattered cases continued to occur throughout the country, Massachusetts not having an undue number as compared with others. The Greensmiths, husband and wife, were executed in Hartford in 1662. Their story is of rather unusual interest on account of the obviously hysterical state which the wife is supposed to have induced in one of her victims, who in her fits expressed "things which she knew nothing of," and spoke in Dutch of which in her normal state she was wholly ignorant. Tormented by the accusations made against her she confessed her carnal knowledge of the Devil and this with other evidence was sufficient for conviction.

During the decade 1670–80 many cases occurred, among them one Elizabeth Knap at Groton, and William Morse at Newbury. In the early part of the following decade also there was much agitation over witchcraft in widely scattered places; Desborough in Connecticut who was at odds with a neighbor

was much molested by flying missiles; George Walton, a Quaker of Portsmouth suffered in like manner. There was trouble at Salmon Falls, New Hampshire. Philip Smith, a justice of the court at Hawley, on the Connecticut River was supposedly "bewitched to death." It would be a great mistake to look upon the witchcraft delusion as confined to New England. Pennsylvania was still in its infancy and Philadelphia was only about three years old, when an accusation was made in Delaware County in 1684, against a woman named Marston. The trial was before William Penn, and although she candidly confessed that she "had ridden through the air on a broomstick," the judge ordered her discharge on the ground that he knew no law against such a means of locomotion. It is probable that this early verdict may have been a factor in saving Pennsylvania from the elaborate persecutions practiced elsewhere.

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A case which occurred in Boston in 1688 deserves somewhat detailed mention, since it was the direct forerunner of the Salem outbreak, and also because Cotton Mather's connection with it throws light upon his attitude toward later events. A reputable man, John Goodwin, living in the north end of Boston was the father of four children, of whom the oldest was a girl of thirteen. Owing to some trifling altercation, a Mrs. Glover, a woman of high temper, "gave the child harsh language," whereupon the girl began to have fits of supposed diabolical character, in which she was soon joined by her sister and two brothers. Together they set up a case later developed in even higher degree by the so-called "afflicted children" in Salem Village. It is narrated that Cotton Mather, alarmed by this manifestation of diabolism and desirous of exorcising the evil spirits possessing the children, took the oldest, Martha, into his house for investigation. The experiment was of doubtful utility, since the fantastic acts of the precocious and adroit child were apparently increased rather than diminished, to the consternation of the good minister.

The description of this case by Mather himself, in the *Magnalia,* gives one a vivid conception of his extraordinary infatuation and credulity, which continued in evidence to the end of his life. Mrs. Glover was taken into custody, puppets were found in her house and the evidence in general was sufficiently

definite to bring about her execution. She was Irish and a Catholic, which added to Mather's confusion in his attempt to reason with her in matters of religion. For example, she was unwilling that he should pray with her "without the consent of some good Catholic spirit," which Mather naturally interpreted as the consent of the Devil. It was Mather's description of this case which called forth Baxter's much quoted remark:—"This great instance comes with such convincing evidence, that he must be a very obdurate Sadducee, that will not believe it."

From the foregoing necessarily brief resumé of the situation in the colonies prior to 1692, it appears that suspicions of witchcraft were numerous; that many were apprehended and tried; and that relatively few were convicted and executed. The charges varying widely in detail, were similar in general character, but were on the whole judged with less severity than under the influences which prevailed later in Salem and Boston.

Minister Parris (1692)

The opprobrious epithet of witch-city which has tenaciously clung to Salem since 1692 is due to the fact that the trials and executions took place in that town. The source of the excitement which resulted in the death for alleged witchcraft of twenty persons within a year, lay in the neighboring settlement of Salem Village, now the town of Danvers. Difficulties and acrimonious disputes over church affairs had long prevailed in this community, which reached a climax when the Rev. Samuel Parris was finally chosen, in 1689, to take charge of the parish affairs. Parris appears to have entered the ministry somewhat late in life and had spent considerable time in the West Indies in business pursuits. He brought with him to Salem Village two native servants, or slaves of West Indian and African blood, known as Indian John and Tituba his wife,—the immediate instigators of the events which were soon to follow.

Parris' difficulties began at once. He was at odds with his parishioners over salary, his parsonage, church rates, and in fact, over all matters pertaining to the conduct of his office. This led to a degree of bitterness in the community unusual

even in those times of agitated public feeling. Apart from church affairs, there were also many disputes as to land rights, and personal animosities were widespread and rancorous. The setting was complete for an emotional outbreak.

The Accusing Girls and Their Victims (1692)

It happened that there gathered at Parris' house a number of young girls, the youngest nine and the oldest twenty, who fell under the influence of Tituba. She was skilled in necromancy and various magic arts—perhaps African in origin, perhaps practiced by Indians—and found apt pupils in the children, who soon acquired proficiency in their use. Doubtless at the outset all this was innocent enough, until it attracted the attention of the elders who were at first mystified and then alarmed. The local physician, Dr. Griggs, finally decided, as was usual when the diagnosis was in doubt, that the actions of the girls in their fits and contortions could only be explained on the basis of witchcraft, an opinion in which the ministers and citizens readily concurred. It is not to be supposed that these "afflicted children" as they came to be called, were extraordinary persons, or that the "manifestations" might not occur at the present day among a promiscuous group of children under similar social conditions. No adequate evidence exists that they were of particularly low-grade intelligence. The most important of this group of girls was Ann Putnam, twelve years old, a daughter of the parish clerk, Sergeant Thomas Putnam. Several older women, notably Ann's mother, were closely associated with the "afflicted children" in their activities.

The progress of the frenzy from its simple beginnings in the house of Parris to the devastation it wrought a few months later is one of the most striking episodes in Colonial history.

In an atmosphere surcharged with doubt and suspicion and always with the omnipresent belief in the Devil's interposition in the troubled affairs of men, it was natural and inevitable that the strange actions of the bewitched children should have been interpreted as a direct manifestation of the powers of darkness. Doubtless, the children themselves became alarmed at the attention they were attracting, and may well have sur-

mised that they might themselves be regarded as witches unless they could direct suspicion toward others by whom they might claim to be bewitched.

Be this as it may, they were not slow in pointing out their "tormenters," and forthwith indicated Tituba, from whom they had first acquired their dangerous knowledge. She was arrested on February 28, 1692, together with two miserable women of the town, Sarah Good and Sarah Osburn. Tituba, although admitting her compact with the Devil, escaped by incriminating Good and Osburn and also, as later transpired, two highly respected aged women, Martha Corey and Rebecca Nurse (whose home still stands in Danvers), all of whom were executed, chiefly on the testimony of the accusing girls. Probably the arrest of Rebecca Nurse was instigated by the enmity of the Putnams, who, mother and daughter, were among the chief accusers through the following months. Overwhelmed by the accusations against two such respected persons as Goodwives Corey and Nurse and inflamed by a sermon preached by Rev. Deodat Lawson, which was interrupted by the antics of several of the persecuted children, popular feeling reached a degree of panic, which precluded any possible control of the rising excitement.

Witch Trials (1692)

During the spring and summer of 1692 upwards of 125 persons were arrested and confined to await trial. George Jacobs and John Procter, in whose family two of the accusing girls had been servants were taken into custody. A granddaughter of Jacobs, confessing herself a witch, testified against him; she recanted too late to save his life. Sarah Wildes, Elizabeth How and Susannah Martin, the mother of the heroine of Whittier's "The Witch's Daughter" were arrested on the usual flimsy pretexts. John Willard sealed his fate as did John Procter by ill considered but pertinent remarks reflecting on the accusing girls.

Reverend John Burroughs had been minister of the church in Salem Village from 1680 to 1682. He had left on account of the dissension in that most unfortunate parish and had since been living in Maine, latterly presiding over a church

in Wells. He was graduated from Harvard College in 1670 and although variously reported as a man of quick passion, and cruel disposition, he appears to have been living quietly and circumspectly in Wells when he was apprehended and brought to Salem on May 4, 1692. Much fantastic testimony was given, especially by Ann Putnam and Mercy Lewis; but the chief evidence against him was furnished by his reputed marvelous and unnatural strength. It is reported that "his power of muscle discovered itself early when he was a member of Cambridge College," an attribute which would not have detracted from his reputation in these later years.

Bridget Bishop, the first to be tried and executed, was a woman of different type from the others. She was the keeper of a tavern, and given somewhat to conspicuous dress, and ready retort. "Puppets" had been found in her cellar and sufficient difficulties arose with her neighbors to bring her under suspicion, which finally resulted in her trial and death as a witch. Her death warrant has been preserved, the only document of this sort known to be in existence.

Mary Easty, a younger sister of Rebecca Nurse, was the mother of seven children, a woman of peculiar serenity and devotion to duty. She was twice arrested, the second time for producing distressing fits in Martha Lewis, was remanded to prison and executed in September. A letter written shortly before her death, addressed to Sir William Phips, the presiding judges and the ministers, has been preserved, in which the condemned woman denies any knowledge of witchcraft and gently warns her prosecutors to be careful in the course they are pursuing lest they shed more innocent blood.

The case of Martha Carrier represents another tragic phase of the situation. When she was arrested four of her children were likewise imprisoned, one of whom, a girl of eight, overcome by the horrors of her situation, confessed that her mother had made her a witch when she was six years old, upon which evidence Martha was condemned. Cotton Mather rather uncharitably says of her: "This rampant hag was the person of whom the confessions of the witches, and of her own children among the rest, agreed that the Devil promised her that she should be Queen of Hell." Her trial was a peculiarly stormy one. Goaded as she was by the taunts and actions of

the accusing children, she finally turned upon the magistrates with the words—"It is a shameful thing that you should mind these folks who are out of their wits." And then gave the lie direct to her accusers. Such retorts naturally condemned beyond hope the tortured victims who made them. There could be no defence and no escape.

Executions (1692)

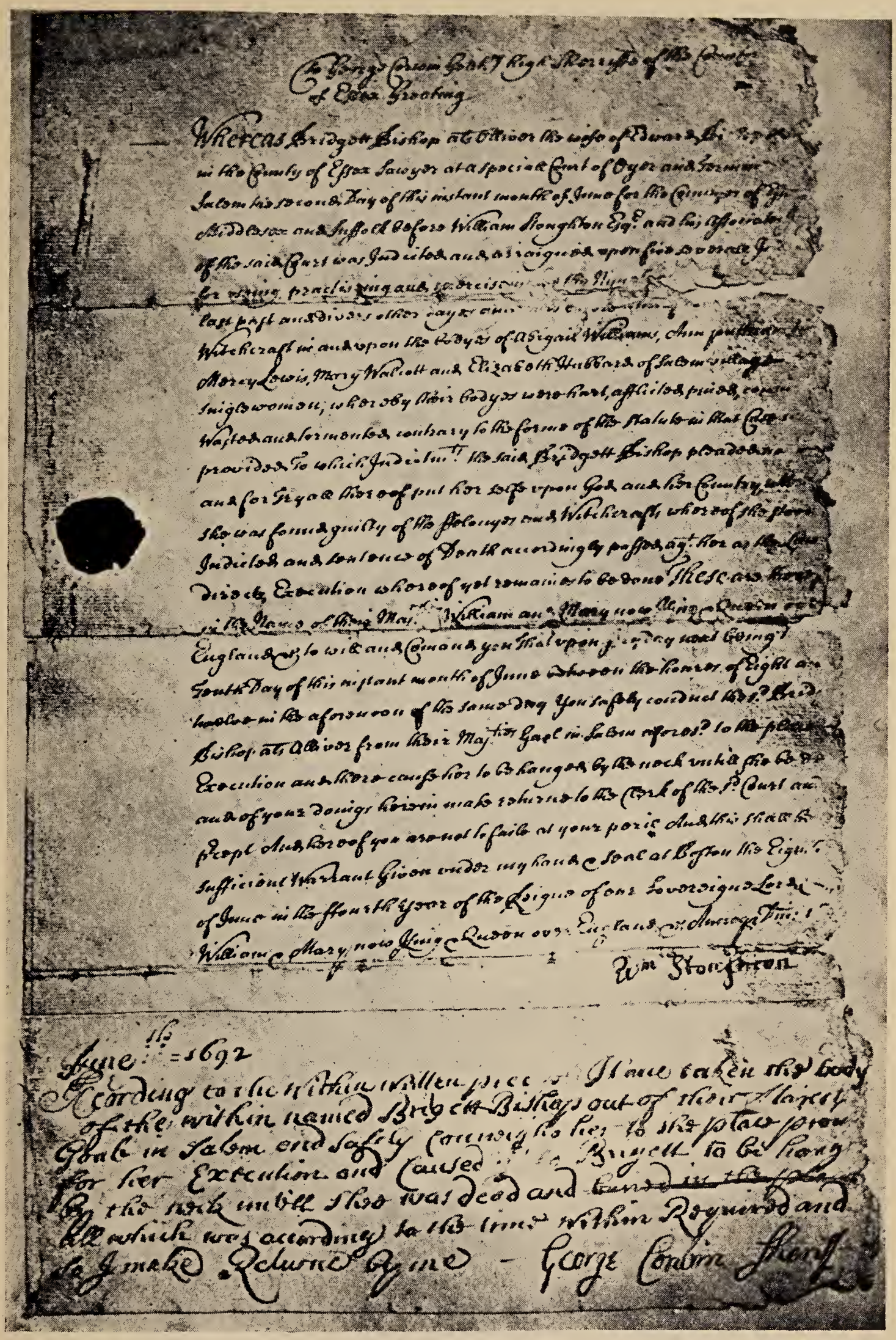
The complete list of those executed at Salem is as follows:—June 10, Bridget Bishop; July 19, Sarah Osgood, Elizabeth How, George Jacobs, Sr., Susanna Martin, Rebecca Nurse, Sarah Wildes; August 19, George Burroughs, Martha Carrier, John Procter, John Willard; Sept. 19, Giles Corey—pressed to death; September 22, Martha Corey, Mary Easty, Alice Parker, Mary Parker, Ann Pudester, William Redd (Wilmot Read or Reed), Margaret Scott, Samuel Wardell. The total is thirteen women and seven men, every one of whom protested innocence of the crime of witchcraft.

The method of execution, except in the case of Giles Corey was by hanging on an eminence in the outskirts of Salem, since known as Gallows Hill. Giles Corey suffered death by pressing, a barbarous practice sanctioned by the English law for those who refused to plead.

The circumstances surrounding Burroughs' execution on Gallows Hill were peculiarly dramatic. John Willard, John Procter, Martha Carrier and George Jacobs were hanged on the same day, August 19, and many were present as spectators on that occasion. Burroughs through his calmness and ability to repeat the Lord's prayer without faltering, so impressed the crowd that it was about to interfere with the progress of the execution, when, according to Calef, Cotton Mather addressed the people, declaring that Burroughs was not a properly ordained minister and that "the devil was often transformed into an angel of light."

Spectral Evidence (1692)

Although many details of the proceedings have been lost or suppressed, with a few exceptions adequate records have been preserved of the various trials in the Salem outbreak.



To George Corwin Gent. High Sherriffe of the County of Essex Greeting

Whereas Bridgett Bishop als Olliver the wife of Edward Bishop [illegible] in the County of Essex Sawyer at a special Court of Oyer and Terminer [illegible] Salem the second Day of this instant month of June for the Counties of Essex Middlesex and Suffolk before William Stoughton Esq. and his Associates of the said Court was Indicted and arraigned upon five severall [illegible] for using practising and exercising [illegible] last past and divers other dayes [illegible] Witchcraft in and upon the bodyes of Abigail Williams, Ann Putnam [illegible] Mercy Lewis, Mary Walcott and Elizabeth Hubbard of Salem village [illegible] single women, whereby their bodyes were hurt, afflicted, pined, [illegible] wasted and tormented contrary to the forme of the Statute in that Case [illegible] provided to which Indictm.ts the said Bridgett Bishop pleaded [illegible] and for Tryall thereof put her selfe upon God and her Country [illegible] she was found guilty of the ffelonyes and Witchcrafts whereof she stood Indicted and sentence of Death accordingly passed ag.t her as the Law directs Execution whereof yet remaines to be done These are therefore in the Name of their Maj.ties William and Mary now King & Queen over England &c. to will and Comand you that upon [illegible] day next being the Tenth Day of this instant month of June between the houres of Eight and twelve in the aforenoon of the same day You safely conduct the s.d Bridgett Bishop als Olliver from their Maj.ties Gaol in Salem aforesd. to the place of Execution and there cause her to be hanged by the neck untill she be dead and of your doings herein make returne to the Clerk of the s.d Court and precept And hereof you are not to faile at your peril And this shall be sufficient Warrant Given under my hand & Seal at Boston the Eight of June in the ffourth Year of the Reigne of our Sovereigne Lord & William & Mary now King & Queen over England &c. Annoq. Dni. 1692

Wm Stoughton

June 16th 1692

According to the within written precept I have taken the body of the within named Bridgett Bishop out of their Majesty Goal in Salem and safely Conveighed her to the place prov for her Execution and Caused [illegible] Bridgett to be hang by the neck untill she was dead and ~~buried in the place~~ all which was according to the time within Required and so I make Returne by me — George Corwin Sheriff

From the original in the Court House, Salem, by courtesy of The Essex Institute

WARRANT FOR THE HANGING OF BRIDGET BISHOP

The proceedings were, in general, modelled after the English law, following Sir Matthew Hale. Particularly important was the recognition of the validity of so-called "spectral evidence" as sanctioned by Hale and accepted by the judges here during the period of the trials. It was one of the common methods of the "afflicted children," to assert during the examination of the suspected person, that spectres of the accused appeared or spoke to them which threw them into fits and paroxysms of various sorts causing them extreme anguish and suffering, or that they had visions of persons who had been killed or injured by the accused, or that they heard spirit voices. Throughout the Salem trials this type of evidence was admitted and was largely productive of the adverse verdicts which followed.

Violent disputes arose as to whether the Devil could appear in the shape of a person without that person's consent. William Stoughton who presided at all the trials maintained to the end that the Devil could not take upon himself the likeness of an innocent person to afflict another. In other words, he could act only through those in league with him, who had "signed the book"—viz., actual witches. Others held with equal assurance to the view that a demon might appear in the shape of an innocent man for evil purposes. It is possible John Burroughs might have escaped the gallows had Cotton Mather not asserted that the "Devil has often been transformed into an angel of light."

On the arrival of the new Governor, Sir William Phips, in Boston May 14, 1692, the witchcraft excitement was well under way. The prisons were full; the courts previously operative had disappeared pending the adoption of the new charter. It was a time of extreme emergency and again following English precedent, a special court of Oyer and Terminer was constituted on May 27 for the trial of the witches. The deputy governor, William Stoughton, was first named and became chief justice, it is supposed through the influence of his friends, the Mathers, father and son. His associate, Samuel Sewall, kept a diary which has been an invaluable source of information during this period, but he was present at only one of the trials. Nathaniel Saltonstall is said to have withdrawn from the commission after the conviction of Bridget Bishop,

the first of the victims, "very much dissatisfied with the proceedings." Parris and Noyes, the minister of the Salem church, took no judicial part in the prosecutions, but served largely as court reporters, and to them we owe the fairly complete description of the proceedings. They were, however, exceedingly active in the discovery of the witches and in bringing them to trial. Their record is peculiarly unsavory. At the last hanging of eight persons, Noyes is credited with having made the oft-quoted remark: "What a sad thing it is to see eight Firebands of Hell hanging there."

Although the persons accused of witchcraft lived for the most part in neighboring towns, the trials were held in the courthouse on Washington Street, in Salem, and possibly in a few instances in the town meeting-house. Preliminary examinations only were made in Nathaniel Ingersoll's tavern and at the meeting-house in Salem Village.

The formal trial was conducted with Stoughton presiding, and several other associate judges. Juries were also empanelled but their part in the final decision beyond acquiescing in the opinion of the judges and bringing in the formal verdict appears to have been unimportant. The judges not only passed on the evidence presented by witnesses, but took a leading part in the questioning and cross examination of the defendants. They filled the double role of judge and prosecuting attorney. The accused had no counsel and were permitted no defence. If friends or relatives attempted to interpose in their favor, they too were likely to be apprehended as accomplices.

Character of the Trials (1692)

The indefensible practice of asking leading questions made the situation still more confusing and hopeless. It is, in fact, a reflection on any community that such travesties as passed for trials should have been possible in a company of otherwise fairminded and intelligent people. Furthermore, although presumably it would have had little effect on the outcome, the judges were for the most part not lawyers. Stoughton had been educated for the ministry and was a man of unquestioned ability, and not without experience of judicial procedure in witchcraft cases since he had participated in the trial of Mary

Glover in 1688. A lawyer, Thomas Newton, was appointed a special King's attorney and later the attorney general, Anthony Checkley, was given charge of the prosecutions. George Corwin, who figured prominently in the arrests was a sheriff.

The exact dates of the sittings of the court are uncertain, for Hutchinson is inaccurate in his statement on this point; but probably not more than four sessions were held, from the middle of May, until the latter part of September. Acts during the year providing regular courts led to the discontinuance of the special emergency court of Oyer and Terminer but not before its activities had brought about the summary death of twenty persons. Stoughton was again appointed chief justice of the newly organized court, and in Jan. 1693 presided in Salem at the trial of three witches, who were convicted but not executed. This ended the persecutions in Essex County. There was, in fact, but one other noteworthy case in Massachusetts, that of Margaret Rule in September, 1693 to which reference will later be made.

Judicial Procedure (1692)

The conduct of the individual trials has been narrated in detail by Governor Hutchinson, and many of the original records have been preserved at the Essex Institute in Salem, and elsewhere. The procedure was similar in all cases. In the court room were the judges, the jury, the accusers, largely made up of the "afflicted children," and a goodly number of the curious and mystified populace. The accused person was brought into this hostile assemblage, conscious of her innocence, but without counsel, or opportunity to defend herself except by general denials. Contrary to the accepted attitude of a more enlightened period, she was assumed to be guilty and was called upon to prove her innocence, which was quite impossible under the existing conditions of prejudice and popular credulity. The only defence possible was general denial met at every turn by the apparent suffering of the accusers, which, no doubt, gained added force from the fact that they were supposedly innocent children.

Attitude of Accusers and Accused (1692)

The Puritans were not philosophers; they did not deal in abstractions. To them the Devil personifying evil was a reality, however difficult to reconcile with the omnipotence of God. From their viewpoint, to overcome his machinations necessitated the destruction of his agents, the witches, who had allied themselves with him. This was a duty enjoined upon them by the Bible, from which alone they sought guidance. In this the Puritans of New England differed in no respect from those of other faith except that the peculiar grimness of their religion lent itself in highest degree to this conception.

That the children were peculiarly wicked, ignorant and designing persons there seems no reason to suppose. To explain their conduct throughout by so simple an hypothesis as that of pure knavery and maliciousness is wholly untenable. Doubtless this played a part, particularly in the earlier days, but that they were responsible for their fits and generally neurotic behavior at the later trials is not to be considered seriously.

At a time of exceptional emotional excitement it is natural that self-control be lost to such a degree that acts are performed quite beyond the volition of the performer. The extraordinary manifestations on the part of children and others following the ravages of the Black Death in Europe is a case in point. It is difficult to imagine a situation more certain to arouse hysterical reactions than that which these children in Salem Village were called upon to face. Through a series of fortuitous circumstances they found themselves the center of amazed attention, flattering to anyone, but especially to children. Limited though their knowledge may have been they were thoroughly convinced of the existence of witchcraft and no doubt of its dangers, if the accusation were visited upon them. They became, therefore, naturally enough the accusers and not the accused, a role practically forced upon them by the judgment of their elders, who pronounced them bewitched. How sincere they may have been in their belief in their own bewitchment, and how far they may have been instigated by older and designing persons, for

example Mrs. Ann Putnam, to implicate their supposed tormenters is matter for conjecture.

That they soon became hysterical and in a measure at least irresponsible is not open to doubt. Anything like a satisfactory analysis of their mental state must be inadequate, unless it takes into account the modern theories of auto-hypnotic phenomena, sub-conscious motivation, dissociated personality, suggestion and the mass of evidence which goes to show that acts may be performed in these various states beyond the power of conscious control and often beyond the cognizance of the performer. Furthermore, in their disordered fancy the children may have suspected that they were actually witches, and more or less unconsciously sought to defend themselves from the fate which they were meting out to others.

Confidence of the Accused (1692)

The much discussed spectral evidence is best explained on the basis of hallucinations of sight and, at times, of hearing to which children under strain of intense excitement might well be subject, however probable it may be that in some instances they were instructed as to their behavior. That ordinary children could have been trained in so short a space of time to become such consummate actresses is in itself a pathological phenomenon, demanding further explanation. The responsibility for the outbreak cannot with justice be attributed to the deluded children. At the worst they were merely the chance instruments in the hands of a public sentiment which demanded satisfaction for a state of affairs which in its limited vision could only be due to the renewed activities of the Devil in their midst. We may, however, regret from an experimental standpoint that Col. Hutchinson's suggestion was not followed, to determine before any trials began whether the Devil could not be whipped out of the afflicted.

The attitude of the judges and of the ministers who advised them was entirely logical. They believed in witchcraft and set themselves diligently to enforce the laws for its suppression. That such enforcement could be productive of no good results they had not the imagination to see. The error of their method of procedure they came later to acknowledge, even

while continuing to maintain their belief. The complete failure to weigh the often ridiculous evidence, their dependence upon the irresponsible words and actions of nervously overwrought children, and especially their acceptance of spectral evidence as proof of guilt may throw doubt upon their intelligence, and would be utterly condemnatory had they not been under the all-pervading influence of the prevailing fanaticism. There is, however, little doubt of their rigid integrity and of their strict adherence to duty as they saw it.

It is a curious commentary on the whole episode that, with few exceptions, the persons apprehended were so convinced of their own innocence that, as far as they were concerned, justice had miscarried; while at the same time they had no doubt of the possibility that the crime for which they were being unjustly punished might be committed by others. Mary Easty's affecting letter addressed to the court, which convicted her, while firmly maintaining her innocence, expressed the hope that "The Lord in His infinite mercy direct you in this great work if it be his blessed will that no more innocent blood be shed."

During the later period of the trials many of the accused confessed to witchcraft, no doubt as a means of saving their lives. That they were spared is one of the many illogical prepossessions of the authorities, since it is difficult to see how confession could dissolve their compact with the Devil or make them less obnoxious to the community. Of those who were accused at Andover many soon recanted, and without equivocation admitted that they were forced into confession through fear, since scant mercy had been shown those who persisted in asserting their innocence.

The experience of the Hobbs family illustrates another strange phase of the persecution. The daughter, Abigail, admitted that she was a witch and accused her parents, who were arrested. The mother at first denied and then admitted her guilt and forthwith charged her husband and a younger child with witchcraft. The husband continued steadfast in his denial. Abigail was convicted but not executed, and the parents likewise escaped. The situation was, in general, greatly complicated by the confessing witches who forthwith implicated others, and played a part second only to the "afflicted children"

in the accusations. It was an intricate process, involving one stratum of the population after another.

Cotton Mather's Influence (1690–1694)

The Reverend Cotton Mather, minister of the Old South Church in Boston, is the subject of a special chapter in this volume. He has had a long series of detractors and defenders. Beginning with his contemporary critic, Robert Calef, both sides in the heat of argument have frequently strained the facts to substantiate their contentions. A judicial attitude toward him has been peculiarly difficult, on the one hand because of the extraordinary attributes of the man and on the other because of the unprecedented character of the events in which he was forced to take part. His father, Increase Mather, a president of Harvard College, was a deep-dyed Puritan, and a representative of the austere faith upon which the early life of the Massachusetts Colony was built. He naturally believed in witchcraft, and in his *Remarkable Providences,* nearly ten years before the trials, wrote naively of demons, and apparitions. His even more distinguished son, bred in the same school of thought, exemplified both the best and the worst of the spirit of the time. He was a scholar trained for the ministry, versed in varied knowledge ranging from law to medicine; he was an ardent promulgator of the gospel; he was a ready writer; he was confident that he had a special and very important mission in the world. Combined with these attributes was an egotism which is almost beyond comprehension. Responsibility rested heavily upon him. The colony must be saved by his efforts, and no such menace as witchcraft had ever assailed its integrity. This combination of ability and consummate egotism is the key note of his relation to the witchcraft persecutions. His position as minister of the church together with his prominence in public affairs generally, rendered inevitable his participation in the stirring events which by his writing and spoken word he had done much to foment.

Apologists for Cotton Mather have insisted that he took no part in the actual trials, and in fact rarely went to Salem during their progress. It is also urged in his behalf that he coun-

selled care in the examinations and warned against too ready acceptance of spectral evidence. A semi-official opinion of the ministers, requested by the newly appointed court of Oyer and Terminer, is said to have been written by Mather. This was on the whole, for the times, a reasonable statement, advising caution, and throwing doubt on the validity of spectral evidence, on the ground "that a demon may by God's permission appear even to all purposes in the shape of an innocent yea and a virtuous man." John Fiske and others are of the opinion that had the recommendations of the ministers been followed no executions would have taken place.

Cotton Mather believed ardently in the efficacy of prayer as a means of combatting witchcraft, but certainly in the earlier period he also advocated the extreme penalty for "such as have rendered themselves obnoxious." He regarded himself as a chosen agent to put an end to the abomination and believed in his capacity to do so. Of the means to this end he was less sure. His influence, owing to his position, his learning and his trenchant pen were doubtless as great as that of any man of his time. Since much of his thought and polemic writing was concerned with the spreading evil of witchcraft, he must be held responsible, in large measure, for the public attitude which rendered the final outbreak possible. His *Wonders of the Invisible World* appeared during the height of the excitement, and doubtless did much to increase still further the prevailing hysteria.

The Fire Dies Down (1693)

Following the last execution in September, 1692, and the dissolution of the special court the reaction came quickly and in quite as spectacular a fashion as the outbreak a few months before. No doubt the infatuated community was satiated with its excesses, especially since the repressive measures tended to increase rather than diminish the evil they sought to exterminate. More and more persons were accused, till a hundred or more were in prison, awaiting trial. The crisis came when persons in high positions were implicated. In October, Mrs. Hale, wife of the Rev. John Hale of Beverly, and a member of Mather's family were suspected; the Rev.

Samuel Willard of the Old South Church and even the wife of Governor Phips were "cried out" upon, the latter because of her known sympathy with the accused. Hale, though previously active in the persecutions, naturally rose vigorously in the defence of his wife. Governor Phips, who had been away on the Colony's affairs during the trials, and was from the first lukewarm in his attitude toward the proceedings, dissolved the special Court of Oyer and Terminer, and then put a temporary end to the prosecutions. Public opinion was aroused and the afflicted children discredited. Those who had been active in the affair almost without exception later acknowledged their error of procedure. Even the jury publicly expressed itself as repentant for its part in the trials and convictions.

In the Old South Church on Fast Day 1697, Judge Sewall standing in his pew listened to the reading by the pastor of a petition which he had written, in which he candidly acknowledged his error, desired to take "the blame and shame of it," and asked "pardon of man" and of God. It was a manly expression of contrition. Ann Putnam, who played a chief part among the accusing children, especially in her testimony against Rebecca Nurse and her two sisters, also made public confession in the Village Church in 1706. Admitting that she had been instrumental in bringing to their death innocent persons, she proceeded:—"Though what was said or done by me against any person I can truly and uprightly say before God and man I did it not out of anger, malice or ill-will to any person, for I had no such thing against one of them, but what I did was ignorantly, being deluded of Satan." There seems no reason to doubt the sincerity of this confession. It indicates what no doubt was the fact, that the child was not responsible during the height of the excitement. To be "deluded of Satan" would be interpreted in more prosaic language today as an hysterical episode, taking its vivid coloring from the wholly pathological emotionalism of the time.

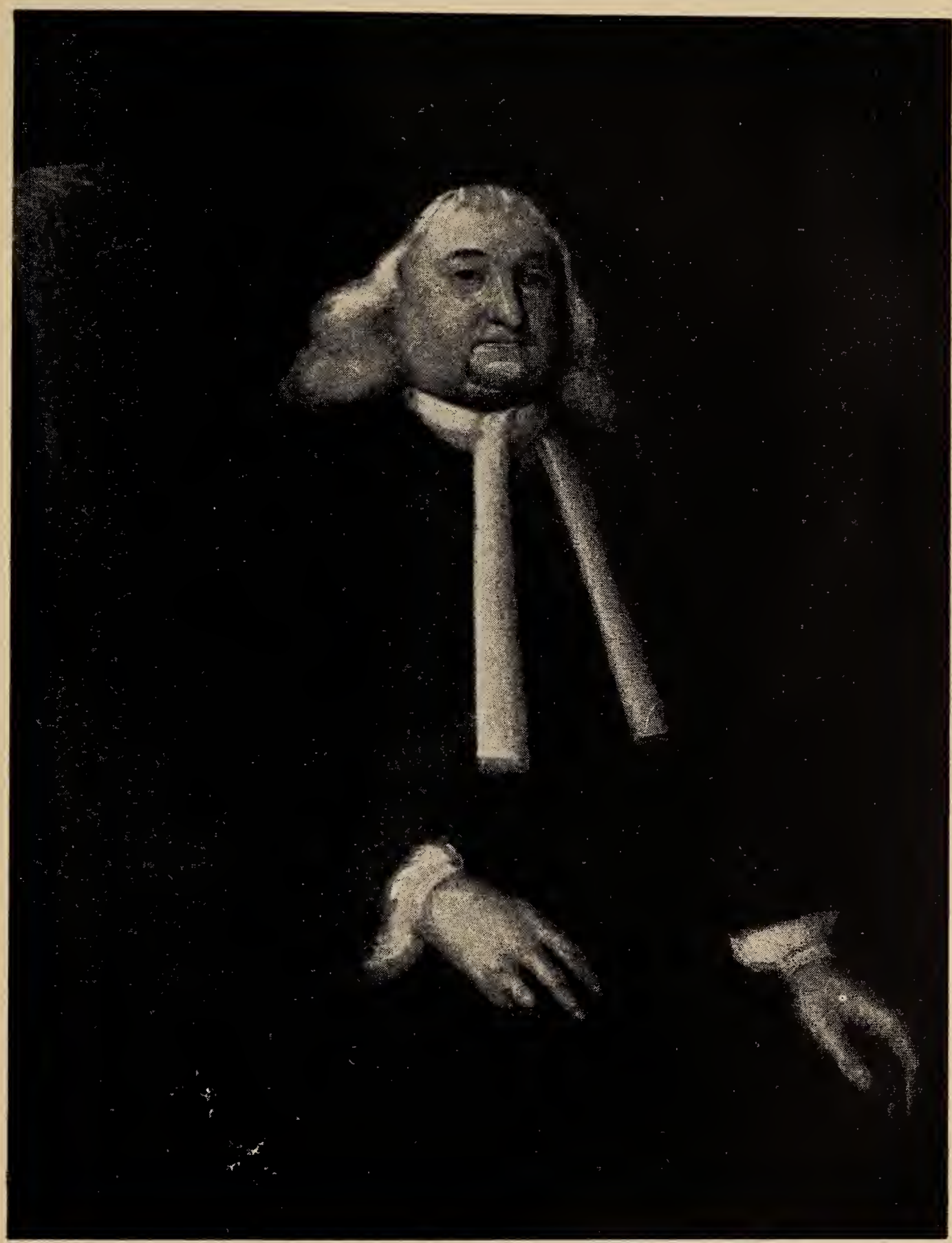
In May 1693 Phips by proclamation discharged all those still awaiting trial, to the number of one hundred and fifty. In comparison with the contemporary attitude of Protestant and Catholic on the Continent of Europe toward witches at this time, the Community of Massachusetts was merciful,

for it demanded no testimony under torture, and passed no condemned persons through the fearful suffering of fire. The real basis for holding the community guilty was that neither before nor after the awful year of 1692-1693 were such relentless prosecutions and punishments allowed to affect the minds of the people of Massachusetts.

Case of Margaret Rule (1693)

That witchcraft was still active in the colony although its drastic suppression had ceased, is shown by the fact that one other notable case occurred in September 1693. It is noted by Cotton Mather in the *Magnalia* and derives its chief interest from the part played in it by Robert Calef, who republished Mather's account in 1700, with the correspondence which constitutes one of the most entertaining and illuminating chapters in the entire literature of witchcraft.

Margaret Rule lived in the North End of Boston. Little is known of her, except that she was young and of somewhat obscure parentage. Whatever the vagaries of her life may have been, at the time of her affliction, "she was become seriously concerned for the everlasting salvation of her soul, and careful to avoid the snares of evil company." On the tenth of September, she began to have fits of diabolic character, for which a woman of doubtful reputation in the neighborhood was supposed to be responsible. The story proceeds that Margaret was visited by eight spectres, who brought her the Devil's book to be signed, which refusing to do, she was forthwith tormented for a period of six weeks and forced to keep to her bed. The master of these specters also appeared, "a short and a black man," who directed that she be tortured "by pinching with invisible hands," and pricked with pins, thereby throwing her into "exorbitant" convulsions, which called forth the sympathetic observation from Mather; "They that could behold the doleful condition of the poor family without sensible compassion, might have intrals indeed, but I am sure they could have no true bowels in them." The girl fasted for days, but suffered no ill effects. She was forced to drink "something invisible," a whitish powder appeared on her cheek, she seemed



From the portrait in The Massachusetts Historical Society

SAMUEL SEWALL

to be scalded as if by brimstone; sulphur, thrown upon her, raised blisters on her skin which however were quickly cured.

Mather, of course, considered all this indubitable evidence of diabolic agency; "I think I may without vanity pretend to have read not a few of the best Systems of Physick, that have been yet seen in these American regions, but I must confess that I have never yet learned the name of the Natural Distemper, whereto these odd symptoms do belong." She developed also clairvoyance, unexplained noises were made in her room, ascribable only to spectres; she was raised to the ceiling and held there by her tormenters; an invisible animal not unlike a rat was felt about her person, but escaped capture. Increase Mather prayed, his son, who was the chief master of ceremonies endeavored by exhortation and the laying on of hands to exorcise the evil spirits. It was altogether an extraordinarily farcical exhibition of ignorance and credulity. Finally (according to the afflicted) a white spirit appeared and so effectual was his intervention that her tormenters after being struck and kicked by their black master "like an overseer of so many negroes" flew out of the room defeated, whereupon, though "weak and faint and overwhelmed with vapours," Margaret forthwith recovered.

During the six weeks of her confinement to bed, many visited her, no doubt, largely through curiosity. Among them was Robert Calef, actuated by a more worthy motive. He had definitely taken up the cudgels against witchcraft as it had come to be interpreted, and here was his opportunity to cross swords with Cotton Mather, its chief protagonist. He therefore wrote a letter to Mather in which he described in straightforward style what he had observed on the occasions of his visits to the afflicted girl. It differed in essential particulars from the Mather version, and even implied that the worthy minister had been guilty of immodesty in his physical treatment of her, had misstated facts and, in general, Calef represented the whole affair as a performance strongly suggesting imposture and fraud. Mather was highly indignant, declined to reply to this and various letters which followed, and even had Calef apprehended for slander.

The whole episode throws an unfavorable light on Mather. He showed himself a poor controversialist; he was vituperative

and sought to defend himself by appeal to his position as a minister and his life-long work of saving souls and helping the afflicted. His egotism was never more in evidence. Calef on the other hand was calm, outwardly respectful, but scathing in his denunciation of the whole witchcraft doctrine as promulgated by his opponent. It was a bold stroke, and not without danger. Popular opinion was still strongly against him, his book was refused publication and sale in Boston and finally was burned by Increase Mather in the Harvard College yard, but in spite of vigorous opposition, with some clandestine assistance from Brattle and a few others, he succeeded in pricking the bubble, and its complete collapse was merely a matter of time. Mather's authority as the expounder and interpreter of witchcraft was broken and at the hands of an obscure person, who so far as known had hitherto played no part in the drama.

As for the case itself, it is of importance not only because of the violent controversy it aroused but also because it demonstrated in clearest fashion the fatuous credulity of the time. To our modern view Margaret Rule was a very typical hysteric, exhibiting what one so often sees in such persons, an almost incredible adroitness in playing upon the emotions of onlookers. She is worthy of detailed study from a purely psychopathological standpoint, even to the "miracle" of her levitation which so deeply impressed the ministers and equally excited the scepticism of Calef. It cannot be too often stated that such hysterical manifestations were almost inevitable under the conditions then existing.

Aftermath of the Witchcraft Episode (1694)

Although the height of the storm was over by 1693, it was many years before its effects subsided, and life in Salem was restored to its normal course. When no longer in danger of arrest and imprisonment, the friends and families of those who had been put to death became active in demanding such reparation as could be made by money payments and by removing the stigma of witchcraft from the names of the executed as they appeared in the court records. This was, in a measure done but not whole-heartedly and only after repeated petitions,

no doubt in part due to a defensive attitude which the original prosecutors and their sympathizers naturally took to save their own reputations. After much delay and discussion, on December 17, 1711 (nearly twenty years after the trials), Gov. Dudley acting under a vote of the General Assembly and the consent of Her Majesty's Council, appropriated the sum of £578 12s. to be paid to "such persons as are living, and to those that legally represent them that are dead." This was done but without discrimination or proportionate to the merits of individual cases.

The First Church in Salem magnanimously decided to remove from the records the excommunication which had been visited upon Rebecca Nurse and Giles Corey; in the latter instance apparently misrepresenting his attitude during his torture. Many of the families who had been the chief sufferers removed to other towns and states; their property, if it had not already been seized, was dissipated. Dissensions and recriminations were inevitable, reputations were blasted and injustice continued, as was natural since the belief in witchcraft although less openly expressed was still extant. Abortive attempts had even been made to revive the active persecutions. This ill feeling was aggravated by the dilatory policy of the government regarding reparation. In fact, the agitation over the situation was not allayed until well toward the middle of the eighteenth century. Complete justice was certainly never done the chief sufferers even in a material sense; nor has their moral vindication yet been universally acknowledged. That some at least of the executed "witches" were guilty has for example within a few years been set forth by Barrett Wendell, on the ground that they were designing and malicious "mediums."

The subsequent lives of the chief actors in the scenes of 1692, have been faithfully traced by Upham as far as the records permit. Parris was soon again in the midst of difficulties with his congregation; and was finally forced to leave the Village of Salem Farms after a long controversy which did more credit to his ingenuity than to his character. He died in 1720, unrepentent to the end, the chief instigator of the persecutions. He was a man of unquestioned intellect, whose

abilities were wasted in controversy, and in unwavering devotion to the senseless superstition of the time.

Nicholas Noyes, minister of the Salem church repented of his activities in the persecutions and is said to have devoted himself thereafter to good works. Cotton Mather in the case of Margaret Rule made a last and very unworthy effort to establish his prestige as the defender of the faith against witchcraft. His ultimate failure was inevitable but it was greatly hastened by Calef's attack. He was disappointed in his political ambitions, and was not elected to the presidency of Harvard College which he greatly desired.

There is no adequate record of the subsequent lives of the "afflicted" children, excepting Ann Putnam who died at 36, after a life of nervous invalidism, no doubt partly the effect of the tragic experience of her childhood. Two of the girls, Elizabeth Booth and Mary Walcot, appear to have married, the others are reputed to have sunk low in the social scale as well they might after the reaction had come.

Thomas Putnam and his wife who were from the first deeply implicated in the proceedings died in 1699, both it is supposed acknowledging their error. William Stoughton later made some slight concessions to the prevailing attitude of repentance, but his conviction was never shaken that witchcraft was a reality which demanded summary methods of repression. With the exception of Judge Sewall's recantation, the record is peculiarly devoid of manly individual statements of regret.

Remonstrances (1692)

That an entire community of otherwise intelligent and courageous men should have raised no protest against the fanatical outbreak has been a source of amazement to succeeding generations. It is, however, gratifying that, feeble as their efforts were, a few men were convinced of the gross injustice of the whole procedure and entirely sceptical of the methods employed. Prominent among these was William Brattle, a wealthy Boston merchant, who addressed a letter to an unknown person in October, 1692. It was, however, not published until many years later, too late to be of the slightest value except as evidence that the fanaticism was not universal.

In this letter Brattle ridicules the generally accepted ideas of the witches' meetings, and mock sacraments, and argues vigorously against the character of the evidence adduced at the trials. He points out that the town of Salem should not be held responsible for the trials, inasmuch as four of the five judges were from Boston; and that favoritism was shown in the condemnation of some of the supposed witches and the escape of others. He mentions persons of high station who disapproved of the proceedings and denounced as an abomination the children's part in the accusations.

One wonders, feeling as strongly as he evidently did, that Brattle's courage failed him when such an expression of righteous indignation might have been effective had it been publicly proclaimed. That he was in sympathy with Calef and probably assisted him in the preparation of his attack on Mather, is accepted; but the weight of his name was not used in that momentuous passage at arms. It is, however, to his credit that he was a remonstrant in spirit if not in fact.

Of equal interest is a document which came to light about the middle of the last century, now in the keeping of the Essex Institute at Salem, the authorship of which remains in doubt. It was addressed to Jonathan Corwin, during the period of the executions and was found among the Corwin family papers. The writer who signs himself R. P. possibly Robert Paine, foreman of the jury, or Robert Pike of Salisbury, was evidently a man of learning and experience. While accepting the doctrine of the Devil's malicious power, he attacked vigorously the theory of spectral evidence and the credibility of the "afflicted children" and clearly demonstrated the fallacy of the procedure in the trials.

Certainly had Brattle's protest and this letter, written at the height of the tragedy, been given wide publicity, popular sentiment would have demanded, at least, a saner conduct of the prosecutions. The Rev. Samuel Willard, Increase Mather, the aged Bradstreet and Thomas Danforth in his later years all somewhat mildly disapproved of the methods employed, but their voices were lost in the general clamor, and availed nothing. There was apparently no one of authority who was able to divorce himself completely from the universal belief in witchcraft; and without such complete intellectual inde-

pendence, it was natural enough that the trials proceeded unchecked. It must always be remembered that what early remonstrances there were, were invariably directed against the procedure, and not against the fact of witchcraft.

Many persons in the more humble walks of life were bolder in their denunciation and apparently repudiated the entire doctrine. Among the most conspicuous of the these were Joseph Putnam, then twenty-two years old, Martha Corey and John Procter. Putnam in spite of his family connections was a complete and defiant sceptic, he armed himself against attack and arrest, his horses were saddled and ready, and for months he was prepared to escape should danger threaten. He was not apprehended. Martha Corey and Procter were less fortunate and both paid for their temerity by death.

Mention has been made of the panic which occurred at Andover. Many had been imprisoned and were awaiting trial, in the meantime being subjected to much hardship and privation. The reaction was quick and effectual. The two ministers of the town, Francis Dane and Thomas Barnard, with upwards of thirty citizens, in October and in the following months, addressed a petition to the General Court in behalf of their wives and children, boldly scoring the methods which had forced confessions from them and demanding redress. Dane was outspoken and fearless in his attack, and probably escaped personal harm only through his respected position as senior minister of the town. Francis Dane must be considered one of the outstanding figures among the small group of influential remonstrants.

To Robert Calef, however, is due the credit for the final awakening of the public conscience. He attacked the evil at its source, in the person of Cotton Mather, who never entirely recovered from Calef's attack.

Diversity of Modern Opinion on the Episode

Students of witchcraft have reached no unanimity as to the explanation of the phenomena or as to the mental condition of the believers in witches. Prejudice, religious bias and special training are factors even more in evidence now than in the seventeenth century. The Devil still exists for many

people as an immediate cause of suffering, misfortune and disease. Nevins in his *Demon Possession* (1892) and Summers in his *History of Witchcraft and Demonology* (1926) find the original explanation still the most reasonable, that the Devil was actually at work causing the troubles at Salem and elsewhere. At the other extreme stands the hardly more tenable idea that all the phenomena observed may be attributed to fraud and imposture. This was a favorite hypothesis especially in the eighteenth century. For example, Governor Hutchinson writes: "A little attention must force conviction that the whole was a scene of fraud and imposture begun by young girls, who at first perhaps, thought of nothing more than being pitied and indulged, and continued by adult persons, who were afraid of being accused themselves. The one and the other, rather than confess their fraud suffered the lives of so many innocents to be taken away through the credulity of judges and juries."

Many of the late commentators are inclined to a similar viewpoint, especially with regard to the bewitched children; and the court and the people have been held up to execration by such judicial writers as Bancroft, Lecky, and Upham. Others have discussed somewhat vaguely in pseudo-medical language the possible mental aberration of all concerned and the part which hypnotism may have played in determining the actions of the children.

An interesting and possibly significant phase of the subject lies in the relation of witchcraft in its later development to what now passes under the name of spiritualism. Allan Putnam has written a volume (*Witchcraft of New England Explained by Modern Spiritualism*) in which to his own satisfaction he demonstrates that "Salem Witchcraft feats were devised by supermundane brains and enacted under their supervision." The witches in his view were mediums, whose controls, to use the accepted terminology, were disembodied spirits, who worked their will on human beings. The Devil and his satellites are replaced by spirits of the dead who have succeeded in establishing relationships with the living. This thesis Putnam develops in great detail in relation to the persons executed at Salem and elsewhere, and regards them as particularly gifted individuals who were able to see where

others were blind, persons who fell victims to their superior knowledge at a time when such insight was anathema.

Barrett Wendell in his paper *Were the Salem Witches Guiltless?* also finds a possible explanation in the theory of spiritualism; but not being a spiritualist himself, like Putnam, and in fact being utterly antagonistic to that doctrine, which he regards with the deepest abhorrence, he sees reason to suppose that "such phenomena would naturally involve in whoever abandons himself to them, a mental and moral degeneracy which anyone who believes in a personal devil would not hesitate to ascribe to the direct intervention of Satan." He thinks it possible that the "mysterious and dangerous phenomena of hypnotism" were at work; and that the whole series of events implied a more or less conscious conspiracy on the part of designing persons, and that some of those who suffered death may have deserved their fate.

Although it is evident that no completely satisfying understanding of the witchcraft episode is yet possible, much light may be expected as psychological theory grows more searching and exact. In spite of the few remaining supporters of supernatural agency, spiritualism and the like, we may with some assurance say that the events in great part find an explanation in the natural though obscure workings of the human mind as now generally accepted. The sudden change in the attitude of the judges and the people at large when the reaction came is certainly not without precedent in the life of today. The law of the herd, mass suggestion or call it what one will, is always in evidence at times of great popular excitement. The situation at Salem was not more pathological in this respect than the emotions excited, for example, by the late war, however different the sphere of their expression. The conduct of the condemned witches, their conviction of personal innocence, their confessions under stress of fear and their accusations are entirely understandable when one considers the motives which controlled them. Using a medical terminology their acts may be regarded as symptoms, resulting from emotional conflict based on the self-preservative instinct. To profess innocence secured for those who were executed indemnity in another life if not in this; to confess might save their lives in this world; to accuse others was an attempt to shift responsibility,

thereby rendering their own lot less hazardous. These are all natural reactions, not purposive in the ordinary sense, but rather unconscious or in modern parlance, sub-conscious motivations. If a similar principle be applied to the "afflicted children" we must see in them not wilful mischief workers, but rather persons swayed by emotions over which they had very limited control, influenced by suggestion, gratified by their power, dominated by fear, and carried along irresistibly on the stream of popular credulity and fanaticism. The elders were far more to blame than the children; but even they were affected by a social aberration to which the term "delusion" has not inaptly been applied. Under these conditions spectral evidence came into being—a reality to the children, and, what is more difficult to understand, to the gullible judges as well. While it is not open to doubt that the recognized human frailties and vices played a conspicuous part in instigating the persecutions one can no longer accept the uncritical doctrine of Hutchinson, that, "the whole was a scene of fraud and imposture." On the contrary it presents a phase of popular hysteria, which may only be elucidated by painstaking psychopathological study.

Extenuating Circumstances

In any attempt to estimate the responsibility for the events at Salem, it is well to bear in mind Murdock's injunction in his *Life of Increase Mather,* that one must fit oneself into the Puritan attitude and see matters from their standpoint before passing judgment. Even were this wholly possible, the prosecutions of the witches, the methods employed in the accusations and the general social demoralization which ensued is not a chapter that even the participants could review with equanimity and satisfaction, much less their descendants.

Some partially redeeming features are observable in all the witchcraft persecutions in the colonies. Physical torture was not practiced to extort confessions; the victims were not burned at the stake; the test by water was very rarely used; and in all cases there was at least the semblance of an open judicial trial according to legal procedure as then recognized. The ministers and judges, with few exceptions, did their duty

fearlessly as they saw it. That they were mistaken and deceived was the fault of their intolerant theology and inherited psychology, for which they may not be held responsible. Admitting all the extenuating conditions, it is still difficult to accept Kittredge's dictum:—"The record of New England in the matter of witchcraft is highly creditable when considered as a whole or from the comparative point of view." With his further remark one may, however, wholly agree. "It is easy to be wise after the fact,—especially when the fact is two hundred years old."

SELECT BIBLIOGRAPHY

BEARD, GEORGE MILLER.—*Psychology of the Salem Witchcraft Excitement of 1692* (N. Y., Putnam, 1882)—Entertaining comparative study.

BURR, GEORGE LINCOLN.—"New England's Place in the History of Witchcraft" (Am. Antiquarian Society, *Proceedings,* New Series, Vol. XXI, pp. 185-217, Worcester, 1911)—An arraignment of our ancestors by an extreme student of European witchcraft.

DRAKE, SAMUEL GARDNER.—*Annals of Witchcraft in New England and Elsewhere in the United States* (Boston, Woodward, 1869)—An admirable brief chronological statement of reported cases.

DRAKE, SAMUEL GARDNER.—*The Witchcraft Delusion in New England* (3 vols., Roxbury, Woodward, 1866)—A reprint of Cotton Mather's *The Wonders of the Invisible World,* and Robert Calef's *More Wonders of the Invisible World,* with comments and footnotes by Drake; a classical contribution to witchcraft literature.

FISKE, JOHN.—*New France and New England* (Boston, Houghton, Mifflin, 1909)—Chap. v. "Witchcraft in Salem Village," gives a succinct but not unprejudiced account.

HUTCHINSON, THOMAS.—*The History of Massachusetts from 1628, until the Year 1750* (2 vols., Boston, Thomas & Andrews, 1795)—Earlier editions of the separate volumes had somewhat different titles. See Vol. II, pp. 22-63; an accepted authority on the persecutions, with a strong bias against the accusers.

HUTCHINSON, THOMAS.—*The Witchcraft Delusion of 1692* (Privately printed, Boston, 1870)—MS. in Massachusetts Archives; edited by W. F. Poole. A valuable commentary on Hutchinson's original account.

JAMES I, KING OF GREAT BRITAIN.—*Daemonologie. Newes from Scotland* (London, Lane, and N. Y., Dutton, 1924)—*Daemonologie* (originally printed in 1597 and reprinted frequently) was much quoted in the Salem trials. *Newes from Scotland* has been ascribed to James Carmichael.

JANET, PIERRE.—*The Major Symptoms of Hysteria* (N. Y., Macmillan, 1920)—An enlightening medical viewpoint.

KITTREDGE, GEORGE LYMAN.—*Notes on Witchcraft* (Worcester, Davis Press, 1907)—Reprinted from Am. Antiquarian Society, *Proceedings,* Vol. XVIII, Worcester, 1907, pp. 148-212. An able defense of the conduct of the Puritans in the witch proceedings.

LECKY, WILLIAM EDWARD HARTPOLE.—*History of the Rise and Influence of the Spirit of Rationalism in Europe* (2 vols., N. Y., Appleton, 1914)—See Vol. I, chap. I, "Magic and Witchcraft"; one of the best accounts of the general subject with incidental reference to New England.

MATHER, COTTON.—*Magnalia Christi Americana* (London, Thomas Parkhurst, 1702; reprinted, 2 vols., Hartford, S. Andrus & Son, 1853—See Sixth Book, chap. VII; a narrative of cases, notably that of the Goodwin children.

MATHER, COTTON.—*The Wonders of the Invisible World* (Boston, Sam. Phillips, 1693; reprinted in identical form by J. R. Smith, London, J. R. Smith, 1862)—An outstanding book, being an account of witch trials and the author's view on witchcraft in general. See also, above, DRAKE.

MATHER, INCREASE.—*An Essay for the Recording of Illustrious Providences* (Boston, Joseph Browning, 1684)—Concerning matters preternatural, demons, and apparitions.

MOORE, GEORGE HENRY.—*Bibliographical Notes on Witchcraft in Massachusetts* (Privately printed, Worcester, 1888)—A critical discussion of the literature. Also several other controversial papers regarding legal matters against Abner G. Goodell, Jr.

NEAL, DANIEL.—*The History of New England* (2d ed., 2 vols., London, A. Ward, 1747)—Originally issued in 1720. See Vol. II, chap. XII, for a readable review of the Salem outbreak.

NEVINS, WINFIELD SCOTT.—*Witchcraft in Salem Village in 1692* (Salem Press Co., 1916)—One of the best of the smaller books; well indexed.

PUTNAM, ALLEN.—*Witchcraft of New England Explained by Modern Spiritualism* (Boston, Colby and Rich, 1888)—A spiritualistic interpretation.

TAYLOR, JOHN METCALF.—*The Witchcraft Delusion in Colonial Connecticut 1647-1697* (N. Y., Grafton Press, 1908)—A scholarly summary of the situation in Connecticut from 1647 to 1697.

UPHAM, CHARLES WENTWORTH.—*Salem Witchcraft* (2 vols., Boston, Wiggin and Lunt, 1867)—Detailed and authoritative account of the whole matter.

WENDELL, BARRETT.—"Were the Salem Witches Guiltless?" (Essex Institute, *Historical Collections,* Vol. XXIX, pp. 129-147, Salem, 1892)—A consideration of the relation of witchcraft to spiritualism.

WINSOR, JUSTIN.—"Literature of Witchcraft in New England" (Am. Antiquarian Society, *Proceedings,* New Series, Vol. X, pp. 351-373, Worcester, 1896)—A comprehensive bibliography.

CHAPTER III

EXTERNAL RELATIONS (1689–1740)

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Elements of the Conflict (1689–1740)

With the outbreak of war with the Abnaki, or Eastern Indians, in 1688, came to an end the long period of peaceful development, broken only by King Philip's war, which Massachusetts had enjoyed since the beginning of settlement. During the succeeding twenty-five years the colony was almost continuously at war with the French and Indians; and even after the conclusion of peace with the French it was another decade and a half before their Abnaki allies were completely pacified. Nominally there was peace from 1698 to 1702, and from 1713 to 1722; but these periods were in reality but uneasy truces, filled with alarms, acrimonious controversy, and hostile demonstrations; during which complete resumption of the normal activities of peace was impossible.

The effects, both material and moral, of this prolonged conflict were incalculable. The eastern frontier was driven back from beyond Pemaquid to Wells; the western frontier was unable to expand. Trade and the fisheries were harassed by French privateers. Some thousands of the inhabitants of the province lost their lives in the struggle. The province was able to meet the heavy expense only by the issue of quantities of paper currency, and the financial loss was enormous. Such was the stormy adolescence of the Commonwealth.

No less pronounced were the mental and moral effects. Hatred of the Frenchman and the Indian became a New England tradition. A new crop of heroes and martyrs replaced the founders of the Commonwealth who had fled from the persecution of Strafford and Laud. The scars of the torch,

the tomahawk, and the scalping knife were visibly imprinted on the bodies and souls of multitudes of New Englanders. On the frontier scarce a family but mourned its dead, while some lamented no less for those who had gone into captivity and had there embraced the faith and manners of the alien. About the conflict grew up a body of folklore; and at many a New England fireside the long winter evenings were enlivened by tales of the heroic defence of some garrison house, the successful pursuit of some marauding party, the patient endurance of incredible suffering on some winter's march through the snow-covered forest to Canada, the miraculous escape from a savage and merciless foe.

When the Indian war began in the summer of 1688, Andros was still governing the Dominion of New England. The causes of the outbreak speedily became the subject of controversy. Andros and his sympathizers attributed it to the land-grabbing policy of the former government, and to wanton acts of aggression by the frontier settlers. Defenders of the old regime attributed it to the policy of English officials like Dongan and Andros, who had asserted English claims to the whole eastern country as far as the St. Croix, and had backed up their assertions by seizing the property of St. Castin, the chief French resident of the disputed country, who had unlimited influence over the Penobscot branch of the Abnaki.

Character of the Conflict (1689–1740)

These two theories of the cause of the war illustrate well the dual character of the conflict, for it was both local and imperial. It was a struggle by the people of Massachusetts to preserve and extend their settlements in the disputed area beyond the Kennebec, to carry on their trade without interruption, and to exploit the Acadian fisheries without molestation. It was also a conflict of the English and French nations for the stakes of empire; for the fisheries which were more valuable, so one Frenchman wrote, than the mines of Peru; for the fur trade on which depended the very life of French Canada; and for lands valuable for naval stores and the products of the soil.

Had the conflict been mainly an imperial one there is every reason to believe that the people of Massachusetts would not have concerned themselves with it; and Parkman has blamed the French for not realizing that Massachusetts desired only to be let alone. To let the English alone, however, meant to abandon to them the coast of Maine at least as far as the St. Georges River; and to permit them to enrich themselves without challenge from the fisheries on the coast of Acadia. So far were the French even from considering such a policy that when the war opened they were contemplating plans for the conquest of all the northern English colonies. Unable even to attempt such an enterprise, however, the French were forced to rely for the accomplishment of their objects mainly upon their Indian allies; and the resentment of the Abnaki at real or fancied wrongs at the hands of the English made them willing tools of French policy in the New England area of conflict.

The use of these Indian allies largely determined the character of the war, for it was one of forays and raids, of the destruction of unfortified villages, the burning of isolated farmhouses, the slaughter or captivity of peaceful settlers. For this the French have been severely blamed by English historians; but in extenuation of their conduct the French argued that the English were responsible for similar, and quite as destructive, raids from which Canada had long suffered at the hands of the Iroquois; and furthermore that, if they did nothing to support and encourage their allies, the latter would desert them, and Canada itself would fall a prey to the English. The latter argument was something more than a pretext, for when Frontenac initiated the raiding policy, Canada seemed on the verge of destruction.

First War Measures (1688–1689)

Andros had taken vigorous measures to end the Indian war, so that at the time of his overthrow, in April, 1689, the Indians were quiet. It is the contention of his defenders that but for the Revolution, and the weak policy of the new government, the war would have ended then and there. Such arguments are untenable. The establishment of William of Orange

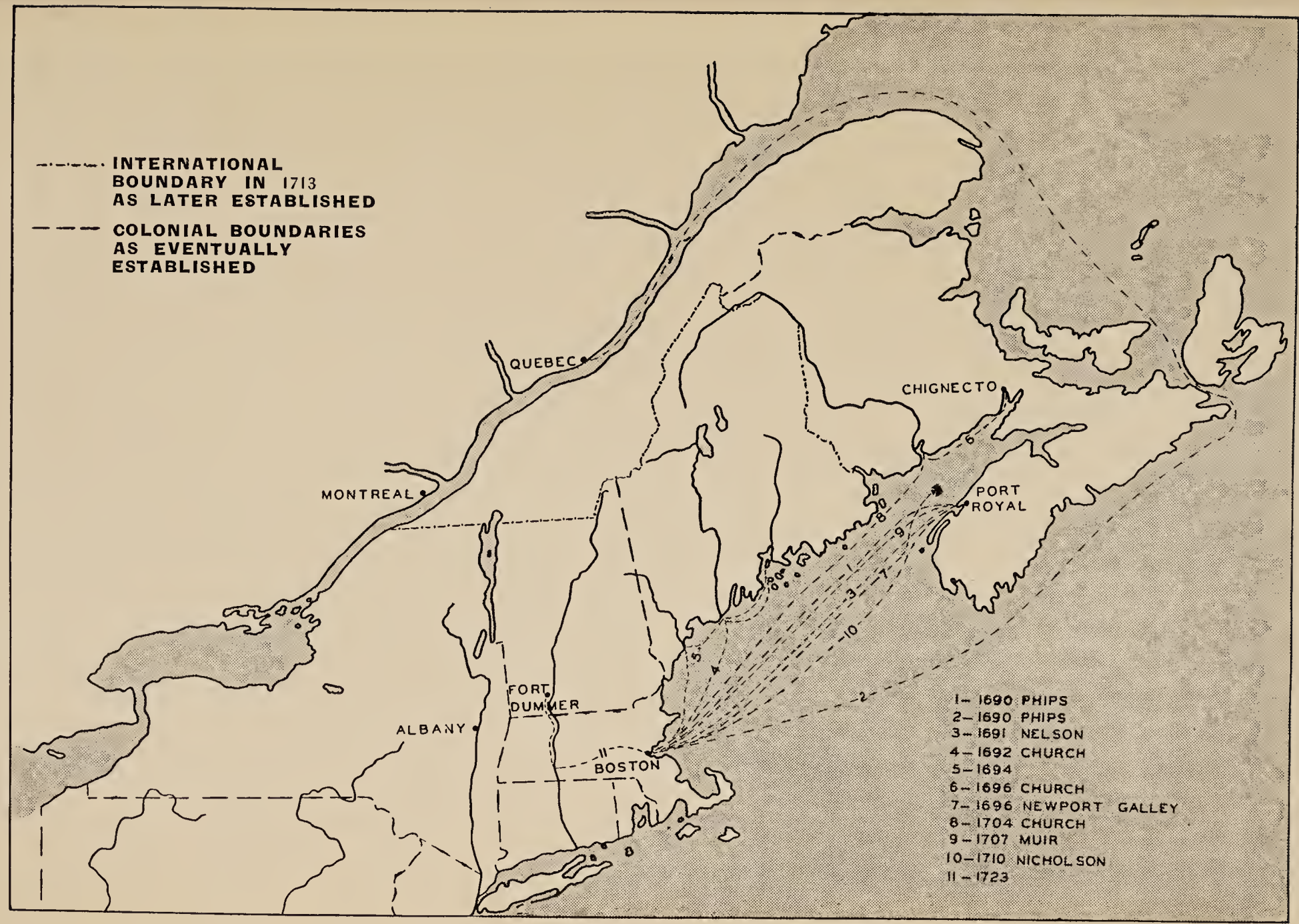
on the English throne in place of James Stuart made war between England and France inevitable. That the French would permit the Indians to remain quiet is unthinkable; that Andros, or any other, could have reduced the Indians to terms so long as they were supported by the French and their strength was unbroken is equally so.

It is true, however, that the abandonment by the new government of certain forts established by Andros and the weakening of others gave the Indians an opportunity to gain the maximum results from their renewed attacks. With the sack of Dover in late June, 1689, the war was resumed; and after the capture of Pemaquid early in August the settlements east of Falmouth (Portland) were abandoned.

In this crisis no aid could be expected from England, where the government was fully occupied with the French war and the Irish rebellion. The Massachusetts government, therefore, turned to its neighbors and to the Five Nations for assistance. The latter were too busy with their own raids upon Canada to assist New England by attacking the Eastern Indians, and their friends, the Albany fur-traders, unable to secure assistance from the Leisler government at New York because of the refusal to recognize its authority, sent a counter-appeal to New England for aid. The New England colonies, however, with the exception of Rhode Island, showed a praiseworthy willingness to help. To aid in the prosecution of the war the New England Confederation was virtually renewed in enlarged form, New Hampshire joining with Massachusetts, Plymouth, and Connecticut to consult upon measures for the common defence.

Attack on Acadia (1690)

As the French saw in the conquest of the English colonies their chief hope of unrestricted development, so there were plenty of people in New York and New England who believed that there could be no security until the French were removed. The Indian raids confirmed this belief, and the argument was reinforced in the autumn by an attack upon the fishing fleet. Definite news of the declaration of war arrived at this time, and the government of Massachusetts planned to attack Acadia.



Generalized Map of Principal Offensive Movements of Massachusetts Troops, 1690 to 1723

For weeks the project hung fire. The treasury was empty; the government was preparing to send Andros and his fellow-prisoners to England; and the General Court was unable to decide whether the expedition should be undertaken by volunteers or at public expense. John Nelson, the nephew of Sir Thomas Temple, and the leading trader with Acadia, offered to raise a volunteer force for the conquest; but he was distrusted, says a contemporary, by the country deputies, as a merchant and an Episcopalian.

It was the earliest of Frontenac's raids, the terrible massacre at Schenectady in February, 1690, which galvanized the colony into action. Letters from Albany pointed out that unless something was done the Iroquois might desert the English cause, and the colonies would be faced with destruction. It was therefore decided to undertake an expedition against Acadia at public expense. A committee was appointed with power to impress men and ships, and the people of Albany were advised, the better to insure their safety, to submit to the control of the Leisler government at New York. To concert measures for the common good the Massachusetts government also suggested a general intercolonial congress to be held at New York.

Energetic and experienced as the Massachusetts Council was, it contained no commanding personality such as the crisis demanded. This lack was now supplied by the sudden rise to prominence of Sir William Phips. Devoid of the tact necessary for the successful politician, Phips possessed the native vigor and courage of the born leader of men; and this quality it was which, combined with the support of the Mathers, pushed him to the front in this crisis. Though a rank outsider from the viewpoint of men who had held almost a life tenure of the magistracy, Phips now won their gratitude by offering to command the Port Royal expedition; a perilous honor which two leading citizens had already declined.

The expedition, which sailed late in April, 1690, gained a speedy, though not an enduring success. Within five weeks Phips was back in Boston, having reduced all the French settlements in Acadia to submission; and having set up at Port Royal a Council, chosen by the inhabitants, to govern the country. The impermanency of the work, however was shown by the fact that Phips had been gone less than a month when a

French vessel appeared at Port Royal, and without difficulty persuaded the people to repudiate their oath of allegiance to the English King.

Operations in New York (1690)

Meantime the first intercolonial congress, including colonies outside New England, assembled at New York, where it was agreed to undertake an expedition against Canada. Contingents from the several colonies were to gather at Albany for an attack upon Montreal and Quebec by the Champlain route; and if possible Massachusetts was to send a force up the St. Lawrence.

This offensive, designed to end once for all the French and Indian menace, experienced the difficulties which usually beset joint operations by unmilitary governments. Leisler of New York, who took charge of the land expedition, had an open quarrel with Fitz-John Winthrop of Connecticut, the rightful commander, and with the people of Albany. Owing to the capture of Falmouth by the French, Massachusetts diverted her promised contingent, and that of Plymouth, to the eastward. A small force of New York and Connecticut men with a few Indians advanced as far as Wood Creek, in northern New York, and then turned back because of lack of canoes and provisions, and the failure of the Iroquois to appear in force. Even as a diversion the expedition was a failure, for Winthrop began his retirement within ten days after Phips left Boston, and nearly two months before he appeared at Quebec.

St. Lawrence Expedition (1690)

Meantime Massachusetts had prepared a sea force to proceed up the St. Lawrence. According to one contemporary the magistrates hesitated to undertake such an enterprise, but were pushed on by the overconfident populace, flushed with the easy victory in Acadia, *Canada est delenda,* was the cry, and early in August, Phips sailed from Boston with a force of thirty-two vessels and over two thousand men. Despite the lateness of the season, the difficult passage up the St. Lawrence was made without incident.

Parkman has lent the weight of his authority to the opinion that had Phips arrived a week earlier Quebec must have fallen for lack of men; had he stayed a week later it would have surrendered for lack of provisions. It is clear, however, that against a defending force half again as large as his own force, occupying one of the most easily defensible positions on the continent, Phips had little chance of success. Having used up most of its scanty supply of ammunition in a vain bombardment of the upper town, the fleet returned to Boston. The losses, considering the lateness of the season, were surprisingly small; but the colony was completely exhausted by its efforts, and to pay the soldiers was forced to emit an issue of bills of credit, the first of many such.

Meantime, following the loss of Falmouth, the eastern frontier had been abandoned as far as Wells, and French privateers had begun their depredations along the coast. Some encouragement was afforded by the fact that in late November the Indians made a truce to last until the following May, but the situation was gloomy enough. The least discouraged person in the colony was Phips who betook himself to England to secure assistance for the completion of the task he had undertaken.

Although the Massachusetts government professed its willingness to undertake another expedition against Canada with English assistance, the failure of 1690 threw the colonies definitely and permanently on the defensive. A spirit of particularism took the place of the spirit of co-operation which had been evident during the first year of the war. Massachusetts expected and demanded aid of the other New England colonies for the defence of her own frontier and that of New Hampshire, which was too weak to defend itself. New York began to clamor for assistance from New England, although its frontier was small and well protected by the Iroquois.

Efforts to Hold Acadia (1691–1696)

The most ambitious enterprise undertaken in 1691 was the attempt to garrison and hold Acadia. The people of Port Royal were dependent upon Boston for their supplies and had long traded with the English. In an exposed position and too

weak to resist, they were at the mercy of any passing armed vessel, whether French or English, and were thus forced into that course of tergiversation which ended only with the tragedy of removal in 1755. Ambitious to retain its conquest, the Massachusetts Council, in the early summer of 1691, agreed to a proposal made by Nelson, John Alden, and other traders to the eastward, to garrison Port Royal at their own expense in return for a monopoly of the trade.

Unfortunately the French government had recently despatched a new governor, Villebon, to repossess Acadia. When, therefore, Nelson and his company attempted to carry out their part of the agreement, their vessel was captured by the French with all on board, and the enterprise was ruined. Despite this success, however, Villebon dared not establish himself at Port Royal, but built a fort some distance up the river St. John's, where he yearly received supplies from France and presents to distribute among the Abnaki. Acadia, though partially reoccupied by the French, became a derelict, whose fate would depend upon the eventual outcome of the war.

In recognition of the conquest made by Massachusetts the English government included Acadia within the chartered limits of the province, and during the remainder of the war, the province made sporadic efforts to assert its authority there. Trade with the Acadian French continued until the General Court, late in 1696, prohibited it, because the people of Port Royal permitted French privateers to find asylum there. As early as 1694, however, the General Court began to petition the English government to assume the defence of Acadia, thus confessing its inability to govern and defend a territory stretching from Narragansett Bay to the St. Lawrence. At the peace of Ryswick, in 1697, no attention was paid to the protests of Massachusetts at the return of Acadia to French control.

Phips and the War (1692–1693)

The old government left office in May, 1692, under the most gloomy auspices. York had been pillaged the preceding January, and at every point the frontier was being assailed by the elusive savages. The French and Indians were daily gain-

ing confidence, and hoped shortly to drive the English beyond the Piscataqua. On his return as Governor, in May, 1692, Phips breathed new energy into the conduct of the war. The heroic defence of Wells early in June by Captain Converse marked the turning of the tide, and the recession of the frontier was stayed. In accordance with instructions Phips rebuilt the fort at Pemaquid, while the Indian villages on the Kennebec and Penobscot were raided by a force under the veteran Church. Phips also tried to interest Fletcher, the new governor of New York, in a scheme for another intercolonial congress, and a joint appeal to the English government for an expedition against Canada.

The admirable energy of Phips was unfortunately counterbalanced by his violent and contentious disposition. The resulting quarrels with neighboring governments were not wholly his fault, but it is to be noted that they ceased after he was superseded as Governor by Stoughton. Rhode Island and Connecticut were irritated by his attempt to assume command of their militia according to the terms of his commission. Connecticut was persuaded to provide a few men for the defence of the western frontier, but Rhode Island would do nothing to aid Massachusetts. Usher, the lieutenant-governor of New Hampshire, complained incessantly that Phips was slack in aiding his province. With Fletcher of New York, whose cooperation was necessary if anything was to be accomplished, Phips quarreled bitterly.

Early in 1693 Phips persuaded the Council to send an address to the King, asking for an expedition against Canada, having otherwise, as they put it, "no prospect of an end of these troubles." The General Court refused to join in the address on the ground that the province was too impoverished to assist such an enterprise.

Before this address reached England the home government had despatched a fleet under Sir Charles Wheeler to attack Canada with the aid of colonial forces. Unfortunately the despatches informing Phips of this enterprise did not reach Boston until July. Wheeler himself had appeared in mid-June, but with a force totally incapicitated by disease. Even intercourse with their ships was forbidden. Under the circumstances Phips felt it useless to attempt anything, and Wheeler

was allowed to sail away, to the further disgust of Fletcher who thought something might have been done. So passed the only opportunity offered by the English government during this war to strike a serious blow at French power in North America.

Policy Towards the Indians (1693–1694)

To counterbalance this failure, Phips could point to the conclusion of peace with the Eastern Indians during the summer of this same year. Under the document signed by them, which became a model for later treaties, the Indians were compelled to acknowledge themselves subjects of England. That they really considered themselves such is more than questionable; but by signing this treaty they enabled the English to challenge French claims to influence over them, and to stigmatize them after each outbreak as rebels.

The principal hold that the English had over the Indians was the greater cheapness and accessibility of English trade goods. To exploit this advantage, and to cement the peace, the General Court, in June, 1694, passed an act prohibiting all private trade with the Indians, and establishing truckhouses under public management in the eastern country. Scarcely had the act been passed, however, when the Indians yielded to the urgings of French agents and resumed the war.

In another quarter also the skies were darkening. The Five Nations, shaken by a successful French attack on the Mohawks in the winter of 1693, discouraged by the departure of Wheeler's fleet, and persuaded that their white allies were leaving them to carry on the war alone, began negotiations with the French for peace. The efforts made by Fletcher and the New England governments to dissuade them were unsuccessful, for the various governments were working at cross purposes. Fletcher continued to demand assistance from Massachusetts and Connecticut for the defence of Albany, while the New England governments desired above everything else to engage the assistance of the Five Nations against the Eastern Indians.

Meantime Fletcher was pressing his complaints at Court; with the result that in August, 1694, an Order in Council was

issued, fixing the quotas of men or money to be furnished, on application by the Governor of New York, for the defence of that province, by all the colonies exclusive of New Hampshire, from Virginia northward. The quota of 350 men assigned to Massachusetts was absurdly unjust, and against it Massachusetts protested in an address to the King setting forth its efforts and its sufferings. When Fletcher attempted to collect the quotas, he was refused by all the colonies. Co-operation could only be achieved by voluntary agreement, it could not be enforced by a royal order.

Policy of Governor Stoughton (1694–1697)

With the year 1694 Phips passed from the scene of action which, despite his quarrelsomeness, he had dominated. Called to England to answer numerous charges against his administration, he died there shortly after his arrival. Lieutenant-Governor William Stoughton now assumed charge of affairs, a public servant of much experience and no little administrative ability. With his advent, relations with neighboring governments became more friendly. The querulous Usher ceased complaining, and even Fletcher was brought to admit that Massachusetts could give New York no assistance.

The war, however, continued to go badly. French privateers on the coast increased in numbers and destructiveness; while on the frontier, raid succeeded raid in ghastly iteration. Though the Five Nations resumed the war, they afforded Massachusetts no relief, and the province began to complain loudly of the failure of its neighbors to give assistance.

Gradually, however, a system of defence against French and Indian attacks was elaborated, which served as a model in the later wars. For the protection of its commerce and fisheries, Massachusetts usually had the help of two small English frigates, which were stationed at Boston to act under orders from the Governor. As these were too large to operate in the shallower coastal waters, the province built in 1694 a province galley, which proved very useful during the remainder of this and the next war. Vessels for transport service and for expeditions along the coast were hired or impressed.

Frontier Defence (1694–1697)

The problem of frontier defence was a most difficult one for the unmilitary commonwealth. During King Philip's war the Indians had been surrounded in forts and refuges and nearly wiped out. At least one veteran of that war, Major Benjamin Church, thought that a similar policy would serve in this war. Unfortunately the headquarters of the various Abnaki tribes lay on the headwaters of the Saco, the Kennebec, and the Penobscot. Long before any white force could reach them the Indians had withdrawn into the forest, leaving only a few wigwams to be burned. All that could be undertaken by way of offence, therefore, was to destroy their crops, and to prevent them from visiting the coast to fish.

The main burden rested on the defence. As in King Philip's war, fortified garrison houses in the various villages served as rallying places for the inhabitants. In each frontier village a few men paid by the province were stationed to stiffen and animate the defence, while companies of twenty men or so were employed to scout regularly from village to village.

Men for garrison and scout duty, and for special expeditions, were drawn from the organized militia of the province by a combination of volunteering and draft. Service on the frontier was dangerous and unpopular, especially in parts of the province not directly exposed to attack. It is therefore not to be wondered at, that contemporary records tell us much of evasion of service, desertion, disobedience to orders, and negligence of duty, the typical faults of an unmilitary people. It appears also that the hiring of substitutes was permitted, with results similar to those experienced during the Civil War of 1861.

The province also sought to stimulate the warlike ardor of the population by offering to outfit and pay volunteer companies who would undertake to seek out or pursue the enemy; but in this war their usefulness appears to have been slight. A considerable reward was also offered for scalps and captives.

Hardships of the Frontier (1694–1696)

It was the dwellers on the frontier who bore the brunt of the French and Indian attacks. They furnished most of the

garrisons and scouting parties, and upon them fell the greatest loss. Many towns and settlements were altogether abandoned, and what became of these wretched fugitives is one of the unwritten chapters in the history of the Commonwealth. Those who remained lived continually in the presence of danger, forced to plant and gather their crops at the peril of their lives, and exposed constantly to the total loss of all they possessed. The General Court was repeatedly compelled to abate the taxes of the frontier towns, and to assist them in the maintenance of their ministers. The hardship of frontier existence passes the imagination of a generation for which the garrison house and the scalping party possess only antiquarian interest. Nevertheless, familiarity with danger bred a certain contempt, and military officers charged with the defence of the frontier complained of carelessness in keeping watch, insubordination, and neglect of the fortifications.

Honorable mention should be given in a discriminating history of the Commonwealth to frontier leaders like Hooke and Frost of Maine; Saltonstall and Hinchman of the Merrimac frontier; and Pynchon of Springfield, upon whom rested the burden or responsibility. The despairing words of Saltonstall, written in 1695 from Haverhill, might doubtless have been penned by any one of those men: "I have been ready to serve my Country, and this town, under many disadvantages, dissatisfactions, and discouragements; but may not, and cannot, hold out longer with the usage I meet with."

Such were the losses on the frontier, and so great was the temptation to escape its perils, that the General Court was compelled, in March, 1695, to pass an act forbidding the desertion of the remaining frontier towns. It went so far as to command the return of freeholders who had already removed, under threat of forfeiture of their estates. Eleven towns were named in the act, marking the line of frontier from Wells in Maine to Deerfield on the Connecticut.

Disastrous Close of the War (1696)

The war closed with a series of reverses which brought the Province of Massachusetts to its knees before the King, with a petition that he would order the neighboring governments to

share in the burdens of the war; that he would effectually garrison Port Royal and St. Johns; that he would increase the number of frigates stationed at Boston; and finally that he would undertake the reduction of Canada, "the unhappy Fountain from whence issue all our Miserys." The province, so it was represented, was "quite exhausted and ready to sinke under the Calamitys and fatigue of a tedious consuming War."

Two disasters produced this petition. The first was the capture of the galley *Newport,* which was cruising in the Bay of Fundy to intercept the supply ship annually sent from France to Acadia; the second was the capture shortly afterwards, in July, 1696, of Pemaquid, which was disgracefully surrendered to Iberville by its incompetent commander, Chubb. Although the province had complained loudly of the cost of maintaining this fort, its capture made a deep impression. Animated by these disasters, the province once more attempted a serious offensive. A force under Church was despatched to the eastward, and raided French settlements as far as Chignecto on the Bay of Fundy; but the attempt to capture Villebon's fort on the St. Johns proved a failure.

The ill success which had thus far attended the English efforts convinced many of the necessity of closer co-operation; and the closing years of the war were prolific in schemes of colonial union. The plan advocated at Court by Massachusetts through its agents was a union of all the northern colonies under a Captain-General to be appointed by the Crown. Yielding to these representations the English government, in 1697, appointed the Earl of Bellomont to be governor of New Hampshire, Massachusetts, and New York, and Captain-General of all the northern colonies.

French and Indian Relations Between the Wars (1698–1702)

Before Bellomont arrived in America, the peace of Ryswick had been signed in 1697. The principal result, from the viewpoint of New England, was the restoration of Acadia to French control, despite the protests of the Massachusetts government, protests which were abundantly justified by the course which the French government now pursued.

From a mezzotint in the Harvard College Library

THE EARL OF BELLOMONT

For that government immediately claimed the Kennebec as the boundary of Acadia, and instructed Villebon to prevent the English from trading within the limits of his province and from fishing off its shores. As a warning two fishing vessels were actually seized in the summer of 1698, although they were later released. The French further strengthened themselves by building a strong fort at Port Royal, which again became the seat of government. All this produced a fresh crop of memorials to the King, asking for a settlement of the boundary and provision for the security of the fisheries.

For Massachusetts the results of the war had been disastrous. Trade languished at Boston, in contrast to New York which had prospered by trading with pirates. The fishing fleet had been greatly reduced in numbers. Little was done to repeople the frontier, where conditions were still too disturbed to invite settlement. In fact, the Council, in 1699, forbade settlement east of Wells without the direction and approval of the government.

The Indians did not make peace until January, 1699; but measures were at once taken to make it enduring. An act was passed on the model of the abortive act of 1694, forbidding private trade and establishing truckhouses. Old laws against the secret and fraudulent purchase of land were also revived. Bellomont had a scheme to settle some of the Abnaki at Scaghticoke, where they could be under the influence of the Five Nations; but little came of the project. Bellomont seems also to have secured the passage, in 1700, of an act banishing Jesuits and Popish priests from the province on pain of perpetual imprisonment or death. Such was the success of these measures that the French began to fear the loss of their influence over the Indians.

Events in Europe now produced a change in the American policy of the French government. Desirous of uniting the French and Spanish monarchies, and confronted by a coalition of Austria, England, and Holland, Louis XIV was conscious of France's maritime inferiority, and therefore instructed his representatives in America to secure an agreement for neutrality, in case of war, between the English and French colonies.

Conditions in America favored the success of this scheme. The Iroquois, who had not made peace until 1701, were ready

to promise neutrality if the French would let New York alone. The Albany traders were glad to continue the trade which since the conclusion of peace they had begun with Montreal, and it was not in human nature for the people of New York to refuse to profit by a situation which spared them the cost of defence. During the first period of Queen Anne's War, therefore, there was peace on the New York frontier, while the frontiers of New England were red with blood.

In 1701 the Massachusetts government was offered the chance to make a similar agreement by Brouillan, the new Governor of Acadia, and the Council in its cautiously worded reply (Bellomont and Stoughton were both dead) showed no hostility to the idea. Brouillan further showed his anxiety for peace by releasing two fishing vessels, which the Cape Sable Indians had seized, and it appeared that the peace might remain unbroken. The decision, however, rested with Joseph Dudley, who arrived in the summer of 1702, just after the declaration of war, to govern his native province.

The War Policy of Governor Joseph Dudley (1702–1713)

From the outset Dudley was bent upon war. Sparing no efforts on the one hand to keep the Eastern Indians quiet, he began immediately to send out privateers to prey upon French shipping, and with this attack the war in America revived. Whether Dudley could have kept the peace, had he so desired, is more than doubtful; for with the Jesuits and officials at Quebec it had become an axiom that the only way the French could retain their hold over the Abnaki was to keep them in a state of hostility to the English. Even the government at Versailles was dubious about the wisdom of such a course at this time; but the policy of Vaudreuil, the efficient Governor of Canada, prevailed; and within a few weeks after they had solemnly promised Dudley to keep the peace, the Indians made a general attack upon the Maine settlements in the summer of 1703.

It was fortunate for the province that at this new crisis the Massachusetts government was in charge of one who was not only familiar with American conditions, but who possessed

the confidence of his superiors in England. Long experience in both England and America had made Dudley a politician and an administrator who could challenge comparison with the best. As a war governor he has no rival except the later Shirley. As a politician he stands unrivalled among the governors of the province. No higher praise can be bestowed upon him than to say that, by his skilful conduct of affairs during a decade of war, he softened ancient enmities and won the respect of a reluctant and suspicious people.

Dudley made it the cornerstone of his policy to root out the French from Canada and Acadia. Only thus, he believed, could his province be free from the French and Indian menace; only thus could the British Empire in America attain full stature. For the accomplishment of this supreme object he realized that the assistance of England was necessary. It was possible that the New England colonies, by putting forth all their strength, might conquer Acadia; but when in 1703 he found the General Court favoring an attack by an ill-organized volunteer force, he ceased to hope that the colonies unaided would accomplish anything. His policy thenceforward was to conduct a successful defence until such time as he could persuade the English government to send him the necessary assistance.

In the work of defence Dudley profited by the experience of the late war. Though unable to persuade the General Court to rebuild the fort at Pemaquid, he did maintain forts at Saco and Casco beyond the settled area. To him was due an innovation of great utility which enabled him to keep scouting parties out winter as well as summer, imitating the French by sending parties against the Indian villages in winter. This was the use of snowshoes. Dudley boasted that as a result of these measures not one town had been abandoned during the war, and that the losses of the province had been greatly reduced.

Curiously enough, although French naval power in European waters was at a low ebb, Massachusetts suffered more at the hands of French privateers than in the preceding war. Since there is some evidence that the prosperity of the colony was much less affected than in the preceding war, it is possible that the larger losses reflect in part an increasing commercial

activity. Nevertheless, the operations of the French were annoying. It was found necessary regularly to convoy the provision ships from Connecticut, and to provide convoys and guardships for the fishing fleet. Until the fall of Port Royal French activity increased rather than diminished. In 1709 the French took nearly forty vessels, some of them almost in sight of Boston. As late as 1711 Wait Winthrop warned his son that it was not safe to come by water from Connecticut to Boston.

The expense of these defensive measures was, for the time and place, enormous. The province was forced to spend on the war alone an average of £30,000 a year; and in 1711 Dudley reported the debt of the province at more than £120,000. Taxation produced twenty-five or thirty thousand pounds a year; the rest was provided by successive issues of paper money.

Relations with Neighboring Colonies (1702–1706)

Like his predecessors Dudley sought to ease the burden by getting aid from the neighboring colonies. With the Assembly of New Hampshire, of which province also he was Governor, he worked harmoniously, and that government did its share. Rhode Island contributed to all the expeditions against Acadia. As in the preceding war, Connecticut maintained a considerable force in the western towns which covered its own frontier.

Relations with New York were curiously involved. Governor Lord Cornbury, who was in office until 1708, was content to profit by the agreement for neutrality made by the French and Iroquois, and would do nothing to assist New England. The Dutch traders of Albany, finding peace more profitable than war, used their influence to block the attempt made by Massachusetts and Connecticut, in 1704, to engage the Five Nations against the Eastern Indians.

To this general apathy toward the sufferings of a neighboring province an honorable exception must be noted. The influential Schuyler family, headed by Peter Schuyler and his brother John, used the information they gained from the Christian Mohawks of Canada, who traded at Albany, to send repeated warnings to the western frontier of the approach

of raiding parties. According to contemporary accounts it was because the people of Deerfield failed to heed such a warning that they were surprised by the French and Indians. Peter Schuyler also sought to persuade the Canadian Iroquois to forbear their attacks on the New England frontier. In this he was unsuccessful, but so great were his services that in 1708 the General Court granted him a present of £100.

Negotiations with Vaudreuil (1704–1706)

Down to 1709 the activities of the province were largely confined to defensive operations. The sack of Deerfield, however, in February, 1704, so aroused the people that a retaliatory expedition under Church was despatched along the coast of Maine and Acadia. Church was eager to attack Port Royal, but this Dudley forbade. He did, however, inflict much damage upon the other French settlements, and returned with enough prisoners to enable Dudley to begin negotiations on even terms for an exchange.

These negotiations were protracted on both sides, and in 1705 there was a lull in the war. Concerning Dudley's policy at this time there is some controversy. On the authority of French accounts it is alleged that he proposed a treaty of neutrality. It is more probable that all he desired was a standing agreement for the exchange of prisoners; and that it was Vaudreuil who sought to engage Dudley in a treaty of neutrality. The treaty as proposed by Vaudreuil was certainly unacceptable, for it forbade the English to fish in French waters; and it was only binding when accepted by the other English colonies. Without revealing his own opinions Dudley submitted the French proposal to his own Province and to the government of New York, both of which expressed their disapproval. Vaudreuil concluded that Dudley was playing with him and again let loose his war parties in the spring of 1706.

The year 1706 was marked by an explosion of popular anger which threatened to cost Dudley his place. It was discovered in the early summer that certain traders employed by him to effect an exchange of prisoners with the French of Port Royal had been trading with the enemy. One of them, Samuel Vetch, was a friend of Dudley, and had been employed

by him the preceding year in the negotiations with Vaudreuil. So great was the anger of the country deputies at the sale of supplies to their enemies that they were willing to believe anything. Dudley's enemies now accused him of complicity, hoping to drive him from the government, but he kept his head, made no attempt to shield the culprits, permitted the General Court to proceed by act of attainder, and in this way weathered the storm.

The Acadian Expedition of 1707

It was probably as a result of this episode, however, that Dudley decided to oppose no longer the popular demand for an expedition against Port Royal. With some slight assistance from New Hampshire and Rhode Island (Connecticut refused), Dudley raised a force of over a thousand men under the command of a veteran frontier fighter, Colonel John March. The men, though raw, were eager to fight; but the incapacity of the leaders and their lack of harmony were such that after making a landing the force retired to Casco Bay. An explosion of popular wrath greeted news of the failure, and Dudley ordered the expedition to make a second attempt, shrewdly sending a commission of popular leaders to supervise it. By this time the morale of the force was gone, and a second failure was the only result. Dudley was thus justified in his conviction that without English assistance no serious blow at the French could be struck.

Fiasco of 1709

The combination of circumstances which produced the English assistance for which Dudley had long petitioned is one of the most curious in historical annals. The *deus ex machina* was Samuel Vetch, whose conviction for trading with the enemy has just been noted. Vetch was a Scotchman, who after the failure of the Darien expedition of 1698 had settled in New York, and who, early in the war, had come to Massachusetts to seek employment. Following his conviction Vetch went to England to appeal from the sentence to the Privy Council, and here he gained the ear of men influential in the government.

Moved by Vetch's representations, by a lengthy memorial sent by Dudley, and by an address of the Massachusetts General Court, all pointing out that the true policy of England was to destroy French power in North America, the government at length decided to undertake an expedition against Canada. Vetch was sent with advance instructions for the colonies, reaching Boston late in April, 1709. The seaboard colonies were to prepare a force to join the English fleet for an attack upon Quebec. Connecticut, New York, and the middle colonies were to send a force by the Hudson-Champlain route against Montreal.

The activity of the Massachusetts government was admirable. According to Dudley, the New England contingent was completed by May 20, three weeks after the arrival of instructions; and an embargo was laid upon shipping for three months so that there might be no lack of transportation when the English fleet arrived. A long and tedious wait ensued. Finally, early in October, word came of the diversion of the English force to Portugal.

Great was the disappointment of the colonies. The leaders of the enterprise, Dudley, Vetch, Nicholson, who commanded the land expedition, and the Governors of Rhode Island and Connecticut now held a conference at Rehoboth to consider what should be done. They came to the unanimous conclusion that it was not yet too late to attack Port Royal; but the captains of two English frigates stationed at New York refused to co-operate, and without their assistance it was deemed unwise to proceed. Nicholson, who had won the general confidence, was sent to England to urge a renewal of the enterprise, bearing an address to that effect signed by the representatives of the assembled colonies.

Expeditions of 1710–1711

In July, 1710, Nicholson was back with a small force commissioned to take Port Royal. Again Massachusetts responded with alacrity, raising her contingent of 900 men, seizing provisions, and issuing bills of credit to meet the extraordinary expense. Within a few days after the appearance of the English, Port Royal was in their possession, this time, as it proved, permanently.

Dudley was not yet satisfied, for the Indian menace remained. Indeed, during the summer of 1710 the Indians extended their raids as far as Waterbury and Simsbury in Connecticut. For relief from these attacks Massachusetts desired that New York and the Five Nations end their neutrality, and that the English government undertake the conquest of Canada. Such were the instructions which were despatched to Jeremiah Dummer, the newly chosen agent of the province, himself a son of Massachusetts.

The appointment of Dummer was particularly fortunate in that he was a friend of St. John (Bolingbroke), one of the principal leaders of the British Tory government which came into power in 1710. It has even been suggested that to Dummer's influence may be attributed the interest which Bolingbroke took in the expedition against Canada. He was certainly consulted and wrote several memorials urging the enterprise. The generally accepted account is that the Tories desired, by the conquest of Canada, to gain some laurels to place beside those of the great Marlborough, who was affiliated with the Whigs. Unfortunately they entrusted the command to two incompetents, General Jack Hill, brother of Mrs. Masham, the new royal favorite, and Admiral Sir Hovenden Walker.

The first word which Dudley had of the plans of the government was received from Nicholson, who arrived June 8, with advance instructions. Sixteen days later Hill and Walker also appeared. Naturally predisposed to a low opinion of the people of New England, the officers of the expedition found nothing to their satisfaction. Hill records that he attended Harvard Commencement to put the people in good humor; but this seems to have been the extent of such efforts.

Considering the military records of sloth and incapacity in England itself in the wars of this period, the efforts of Massachusetts in the five weeks which followed Hill's arrival, when graduated to scale, were truly remarkable. The chief burden thrown upon the province was to furnish provisions for the expedition; and even at this period Massachusetts did not feed itself. The extent of the task can hardly be realized. It was found necessary to import and seize provisions, fix prices, fix the rate of exchange, and vote a loan of £40,000 to outfit

the expedition. Some of the bills contracted by Walker and Hill at this time were still unpaid five years later.

The expedition sailed on July 30. Owing to the gross incompetence of Admiral Walker the fleet suffered a disaster in ascending the St. Lawrence, which so dampened the spirits of the British leaders that they turned homeward, where they sought to throw the blame upon New England. Dummer's defence of Massachusetts on this occasion was not the least of his services to the province, but it mattered little, for the home government was bent upon peace, and in Europe a cessation of arms was soon arranged. The petition of Massachusetts for a renewal of the enterprise thus fell upon deaf ears.

The Peace of Utrecht (1713)

In America the war dragged to its close with raid and counter-raid. A concerted attempt by the New England governments in the autumn of 1711 to end the neutrality of the Five Nations by appealing to Hunter, the new governor of New York, was met by a cold denial by the New York Council of any knowledge of such an agreement. Fortunately the Abnaki also were exhausted and disheartened by their losses; in July, 1713, they signed peace with representatives of Massachusetts and New Hampshire at Portsmouth.

The peace of Utrecht, from the viewpoint of the American colonies, was scarcely more favorable than the peace of Ryswick. On paper the French ceded Acadia, Newfoundland, Hudson's Bay, and their claims to suzerainty over the Iroquois. Actually they had yielded little. Reversing their position with great agility they now maintained that the term Acadia included only the peninsula now called Nova Scotia. Although warned of the consequences the English ministry permitted them to keep the island of Cape Breton, where at Louisbourg they reared a fortress far more formidable than Port Royal, as a protection to their fishermen and rendezvous for privateers in time of war. In Acadia English power was confined to the environs of Port Royal, now Annapolis; and the Abnaki tribes, despite their renewed acknowledgment of subjection to the English, continued to act upon the advice of their Jesuit priests. Though weakened, their power was still un-

broken, and nothing less than a later war shook their hold upon their ancestral lands in Maine.

Renewed Conflict with the Indians (1714–1717)

Responsibility for the outbreak of a third war with the Eastern Indians must be divided between the governments of Massachusetts and Canada. The Indian was the victim of their clashing policies. Confident, apparently, that an enduring peace had been made, the General Court pushed on the work of resettlement with no regard to the possible effect on the Indians; and made the further mistake of failing to establish publicly managed truckhouses, thus leaving them at the mercy of rascally private traders. Settlement was pushed up the Kennebec River as far as Augusta, only a short distance from the Kennebec village of Norridgewock, and along the coast as far as the St. Georges River, which aroused the Penobscot tribe. To the Indian it seemed that his country was being overrun with white men, hunting, fishing, trading, lumbering, raising cattle.

The viewpoints of the English and the Indian were irreconcilable. The English pointed to ancient Indian deeds conveying the lands in question to the whites, most of them genuine and as near regular as such deeds usually were. The Indian could not understand that a piece of paper signed by his ancestors, perhaps under the influence of liquor, could deprive him of lands from which he had driven the white man, and where no white settler had dared to set foot for a generation.

Had the Indians been unsupported they would have yielded a sullen acquiescence, but their opposition fitted in exactly with the policy of Vaudreuil and the Jesuits. The latter doubtless feared the loss of influence over their converts, the former saw in the Indians the only chance of checking the advance of English settlement. Vaudreuil had to proceed with caution, for the English and French Courts were at peace, and after 1717, in alliance; but this did not prevent the French government from approving Vaudreuil's policy, or from increasing the annual present to the Abnaki, which was earmarked in the Treasury accounts for the Jesuits, to deceive the English. Vaudreuil in fact aided the Indians in every way short of

putting French forces into the field. Ostensibly an Indian war, the war was in reality a conflict of the governments of Massachusetts and Canada for the control of Maine to which the English government was apparently indifferent, and in which the French government dared not openly appear.

Resistance to the English centered in the Kennebec tribe at Norridgewock and its missionary, Sebastien Ralé. The character and acts of this most famous of the later Jesuit missionaries have been the subject of much controversy. A man of intense zeal, he represents a type not infrequently found among the clergy in all branches of the Christian Church. Filled with bitter hatred for the English as heretics and enemies of his flock, he was willing to use every means to defeat their progress, and having taken the sword, he perished by the sword. Nothing that has come to light since Parkman wrote warrants a revision of his judgment that Ralé "did not die because he was an apostle of the faith, but because he was the active agent of the Canadian government." Indeed, the evidence goes to show that in some cases Ralé was less the agent of Vaudreuil, than Vaudreuil the agent of Ralé.

Governor Shute's Indian Policy (1717–1722)

Dudley's successor, Shute, was greatly hampered in handling the situation by the hostility of the Massachusetts House of Representatives. That body was determined to use its control of the purse to subordinate the royal representative and to secure control of the government. Though honest and conscientious, Shute was ignorant of the ways of colonial politicians and assemblies, and showed no capacity for countering its moves. Thus when Shute, at a conference with the Indians in August, 1717, to quiet them promised to establish public truckhouses, the House refused to provide them, preferring rather to send a missionary to counteract the French influence. That Ralé was instigating the Indians to resist was already revealed by a letter signed by him which the Indians brought to the conference.

Ever since the conclusion of peace the Indians had been restless and resentful. Soon they began killing cattle along the Kennebec, while the Cape Sable Indians annoyed the fish-

ing fleet. Still matters might not have gone to extremes but for Vaudreuil's and Ralé's encouragement to the Indians to resist. The Penobscots were conspicuously pacific in attitude, and even at Norridgewock there was in 1720 a peace party sufficiently strong to compel the delivery of hostages and to promise payment of damages for past depredations. Shute and the Council for their part strove to keep the peace, but the House was bellicose, and desired to send a force to seize Ralé.

Indeed so influential was the peace party among the Indians that in 1721 Ralé was compelled to write to Vaudreuil for assistance. Through the influence of the Jesuits, Vaudreuil prevailed upon the Canadian and other branches of the Abnaki to back up the Norridgewocks; and in July, 1721, a party of 250 Indians, representing the different tribes, accompanied by Ralé and a French officer, and carrying a French flag, appeared at Arrowsick. When they delivered an ultimatum demanding the withdrawal of the settlers beyond a certain line, the General Court countered by prohibiting trade with the Indians, and by sending men to seize the younger St. Castin and Ralé. St. Castin made a successful defence, and was later released. Ralé escaped, but the English found at Norridgewock documents which proved beyond a doubt that he had the active assistance of Vaudreuil in stimulating the Indian resistance.

War began in earnest in the summer of 1722. It differed in no respect in character from those which preceded it. Some of the frontier settlements were broken up; all felt the presence of scalping parties. Some of the Indians, notably the Penobscots and those of Cape Sable, took to the water in captured vessels and greatly annoyed the Massachusetts fishery. The methods of attack were familiar, and for defence plenty of colonials were experienced in frontier fighting. The Indians, without the active assistance of the French and weakened by their losses in the late war, were less successful.

An unfortunate quarrel between Shute and the General Court prevented the war from coming to a speedy conclusion. The representatives of the Massachusetts people were determined to control the management of the war even at the risk of jeopardizing its success. Distrusting Colonel Walton, the

commander of the forces to the eastward, the General Court demanded his dismissal. Shute, as commander-in-chief, refused to comply. The House promptly voted to withhold Walton's pay, and upon investigation of the management of the forces found just ground for criticism in the discovery of petty graft and irregularities. Worn out by the struggle, Governor Shute sailed for England, leaving the lieutenant-governor, William Dummer, a Massachusetts man, to carry on the war. Dummer proved conciliatory; the General Court was alarmed lest a stiff attitude should lead to the revocation of the charter. Hence the House moderated its tone; Walton was removed, and thereafter the war was prosecuted with vigor.

Dummer's Success in the War (1723–1725)

During this war the western frontier suffered fully as much as the eastern. Parties of Canadian Indians, whom Vaudreuil had persuaded to join in the offensive, came down the Connecticut and hung about the settlements. To cover the western frontier a new fort was built above Northfield, named Fort Dummer. Colonel John Stoddard, to whom fell the defence of the western frontier, urged an attack upon the Abnaki villages in Canada; but this involved an invasion of French territory, and his suggestion was disregarded.

In place of an armed force, the Provinces of New Hampshire and Massachusetts in the early months of 1725 despatched a commission to Canada to remonstrate with Vaudreuil at his assistance to the Indians, and to secure the release of the prisoners. Vaudreuil was embarrassed and impressed the commissioners as being less favorable to war than were the Jesuits. Nevertheless, he would give them no satisfaction, and privately used his influence with the Indians against peace, inciting them to make impossible demands of the English.

During this war the Massachusetts government made persistent efforts to secure the aid of the Iroquois, and in this again they received the assistance of Colonel John Schuyler. Governor Burnet of New York was also favorable to them, but the Albany traders who controlled the Indian Commission blocked all their efforts, though a few Mohawks took service at Fort Dummer. As in the preceding war the Indian Com-

missioners gave warning of impending attacks upon the frontier, and their efforts availed to keep the Christian Mohawks of Canada from taking an active part in the war. The attitude of Albany was not neighborly, but the Albanians could scarcely be expected to sacrifice their interests for those of a neighboring province.

Nevertheless, Massachusetts by its own efforts soon brought the Indians to terms. In the summer of 1724 the Norridgewock tribe was totally dispersed by a surprise attack in which Ralé was killed. Despite the fact that several New England ministers had been killed during the wars by French and Indian parties, the French protested loudly at his death and sought to make him a martyr. The best available evidence shows that he was killed contrary to orders in the heat of the attack, while offering armed resistance. His death was a blow from which the Indians never recovered. The Norridgewock expedition was the most successful action of the kind accomplished by the English since the famous Narragansett Swamp Fight in King Philip's War.

In this war considerable success was gained by parties of volunteers who were encouraged to go on long scouts by the offer of a large bounty for scalps. This policy was so productive that the General Court found it necessary to order the Treasurer of the Province to bury the scalps in his possession so as to prevent their being presented a second time for payment. The most famous and successful of these volunteer leaders was Captain Lovewell of Dunstable, the story of whose fight with the Pigwacket tribe of the upper Saco is a classic of the New England border wars. Although on this final scout Lovewell and many of his company lost their lives, their operations effectually discouraged the Pigwacket band and disposed them to peace.

Results of the War (1725–1727)

Peace negotiations were begun by the Penobscots in the summer of 1725. They had always been less zealous for war than the Norridgewock and Canadian Abnaki, perhaps because their chiefs, the two sons of St. Castin, found war less profitable than trade. At the close of 1725 a delegation of Penob-

scot chiefs signed a solemn peace in the name of all the Abnaki tribes, in the Council Chamber at Boston. Although the final settlement with representatives of all the tribes was not made until the summer of 1727, the war was virtually over. The General Court began to plan for the systematic settlement of the frontier. Having at last learned its lesson, the colony proceeded to establish truckhouses and to put the Indian trade again under public management.

Although the Abnaki remained under French influence and in later wars gave the province some trouble, their power was effectually broken. At a terrible cost the province had made good its title to the lands of Maine; and in the period of peace which followed, the development of that part of the province proceeded with unexampled rapidity.

With the power of their Indian allies broken, the French lost much of their ability to harm New England. The work to which the men of Massachusetts had set their hands in 1690 remained still to be accomplished; but great as were the efforts of the Province of Massachusetts in the final conflict, the severest losses fell upon the middle and southern colonies, which in the early wars had suffered little; and much of the cost was borne by an English government which had been awakened by William Pitt to a sense of its responsibilities and its opportunities. By 1740 the adolescence of the colony was ending, the period of full maturity was at hand.

SELECT BIBLIOGRAPHY

ANDROS TRACTS.—(3 vols., Boston, Prince Society, 1868-1874)—Valuable for the origin of the Indian war of 1688 and for the policy of Andros.

BAXTER, JAMES PHINNEY.—*The Pioneers of New France in New England* (Albany, Munsell's, 1894)—A valuable account of Governor Dummer's War, with an appendix containing most of the pertinent documents.

BELKNAP, JEREMY.—*The History of New Hampshire* (3 vols., printed for the author, Boston, 1792)—Valuable for the Indian wars, especially as they affected New Hampshire.

BOWEN, FRANCIS.—"Life of Sir William Phips" (JARED SPARKS, editor, *The Library of American Biography,* 10 vols., Boston, Hilliard, Gray, 1837)—See Vol. VII, pp. 1-102.

CANADA: ARCHIVES.—*Report for 1912* (Ottawa, 1913)—"Appendix E" contains documents on the Port Royal expedition of 1890.

CHARLEVOIX, PIERRE FRANÇOIS-XAVIER DE.—*History and General Description of New France* (6 vols., N. Y., Shea, 1866-1872)—Written in French and published in Paris in 1744. Translated with notes by J. G. Shea. Generally considered the leading French authority, but not always to be trusted.

CHURCH, BENJAMIN.—*The History of the Eastern Expeditions of 1689, 1690, 1692, 1696, and 1704 against the Indians and French* (Boston, Wiggin & Lunt, 1867)—Introduction and notes by Henry Martyn Dexter.

COLDEN, CADWALLADER.—*The History of the Five Indian Nations of Canada* (2 vols., N. Y., Barnes, 1904)—The best history of the Five Nations and their relations with the French and English.

Collection de Documents historiques relatifs à la Nouvelle-France (4 vols., Quebec, 1883-1885)—The best collection of documents relating to the French régime in Acadia.

Documentary History of the State of Maine (24 Vols., Maine Historical Society, *Collections,* Second Series, Vols. I-XXIV, Portland, 1869-1916)—Vols. V, VI, IX, and X contain many valuable documents relating to the wars.

DOYLE, JOHN ANDREWS.—*The English Colonies in America* (5 Vols., N. Y., Holt, 1882-1907)—By the leading English historian of the American colonies.

DRAKE, SAMUEL ADAMS.—*The Border Wars of New England, commonly called King William's and Queen Anne's Wars* (N. Y., Scribner's, 1897)—The best general narrative of these two wars; somewhat uncritical.

DUMMER, JEREMIAH.—*A Letter to a Noble Lord Concerning the Late Expedition to Canada* (London, A. Baldwin, 1712)—A defence of the New England colonies against the attempt to saddle them with the blame for the failure of the expedition of 1711.

GREAT BRITAIN: PUBLIC RECORD OFFICE.—*Calendar of State Papers, Colonial Series* (27 vols., London, 1860-1926)—This invaluable publication has now reached the year 1714 and thus covers the period of the first two French and Indian wars.

HINCKLEY, THOMAS.—"The Hinckley Papers" (Mass. Historical Society, *Collections,* Fourth Series, Vol. V, pp. 1-308, Boston, 1861)—Letters and papers dated 1676-1699.

HUTCHINSON, THOMAS.—*History of the Province of Massachusetts Bay from 1628 until 1774* (2 vols., London, John Murray, 1828)—Extremely valuable, especially for Governor Dummer's War. Originally issued in three separate parts, in 1764, 1767, and 1828 respectively.

HUTCHINSON, THOMAS, compiler.—*A collection of Original Papers Relative to the History of the Colony of Massachusetts-Bay* (Boston, Thomas and John Fleet, 1769; reprinted by the Prince Society, 2 vols., Albany, 1865).

HUTCHINSON, THOMAS, compiler.—"Hutchinson Papers" (Mass. Historical Society, *Collections,* Second Series, Vol. X, pp. 182-188; Third Series, Vol. I, pp. 1-152, Boston, 1823-1846)—Documents accumulated by Governor Hutchinson.

KIMBALL, EVERETT.—*The Public Life of Joseph Dudley* (Harvard Historical Studies, Vol. XV, N. Y., Longmans, Green, 1911).

KINGSFORD, WILLIAM.—*The History of Canada* (10 Vols., Trübner, London, 1888-1898)—The standard history of Canada, written largely from the French documents.

LINCOLN, CHARLES HENRY, editor.—*Narratives of the Indian Wars, 1675-1699* (N. Y., Scribner's, 1913)—Original Narratives of early American history.

MASSACHUSETTS (Commonwealth).—*Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay* (21 vols., Boston, 1869-1922)—Vols. I-II contain the Acts of the period of the wars, Vols. II-X contain the Resolves. The editor of Vols. VII and VIII, covering the years 1692-1707, included in the appendices a mass of illustrative material from the State archives, which makes them a veritable source book for the period.

MASSACHUSETTS (Province): GENERAL COURT, HOUSE OF REPRESENTATIVES. —*Journals 1715-1727* (7 vols., Boston, Mass. Historical Society, 1919-1926)—Useful for the Indian troubles which culminated in the war of 1722-1727.

MATHER, COTTON.—*Magnalia Christi Americana* (London, T. Parkhurst, 1702; reprinted in 2 vols., Hartford, S. Andrus & Son, 1853)—Vol. I contains Mather's "Life of Phips." Vol. II contains Mather's "Decennium Luctuosum," probably the best contemporary account of the Indian wars of 1688-1697; for a reprint of the *Decennium* in a more convenient form, see LINCOLN, *Narratives of the Indian Wars, supra.*

MYRAND, J. ERNEST.—*1690: Sir William Phips devant Québec* (Quebec, L. J. Demers & Frère, 1893)—An exhaustive account of the expedition of 1690, containing many documents.

NILES, SAMUEL.—*A Summary Historical Narrative of the Wars in New-England with the French and Indians, in the Several Parts of the Country* (Mass. Historical Society Collections, Third Series, Vol. VI, pp. 154-279, and Fourth Series, Vol. V, pp. 309-589, Boston, 1837, 1861) MS. in the library of the Association. Often cited as an authority, but based for the earlier wars on Mather and Penhallow.

O'CALLAHAN, EDMUND B., editor.—*Documentary History of the State of New York* (4 vols., Albany, 1849-1891)—Vol. II contains the Leisler papers, valuable for the interrelations of the colonies in 1690.

O'CALLAHAN, EDMUND B., and FERNOW B.—*Documents Relative to the Colonial History of New York* (15 vols., Albany, 1856-1887)—Valuable for New York and Iroquois policy.

OSGOOD, HERBERT LEVI.—*The American Colonies in the Seventeenth Century* (3 vols., N. Y., Macmillan, 1904-1907).

OSGOOD, HERBERT LEVI.—*The American Colonies in the Eighteenth Century* (N. Y., Columbia Univ. Press, 1924).

PALFREY, JOHN GORHAM.—*History of New England* (5 vols., Boston, Little, Brown, 1858-1890)—Based on colonial records and some research in the Public Record Office.

PARKMAN, FRANCIS.—Count Frontenac and New France under Louis XIV (Boston, Little, Brown, 1920)—The classic account of these wars, with special emphasis upon the major episodes.

PENHALLOW, SAMUEL.—*The History of the Wars of New England with the Eastern Indians* (Boston, S. Gerrish, 1726; reprinted Cincinnati, W. Dodge, 1659)—The best contemporary account of Queen Anne's and Governor Dummer's Wars, written by a member of the New Hampshire Council.

SCHUYLER, GEORGE W.—*Colonial New York* (2 vols., N. Y., Scribner's, 1885)—Useful for the relations of the Schuyler family with New England during the French and Indian wars.

SEWALL, SAMUEL.—*Diary* (3 vols., Mass. Historical Society, *Collections,* Fifth Series, Vols. V-VII, Boston, 1878-1882).

SHELDON, GEORGE.—*A History of Deerfield, Massachusetts . . . with a special study of the Indian Wars in the Connecticut Valley* (2 vols., Deerfield, 1895-1896)—The best account of the Indian wars on the western frontier; contains many documents.

SPRAGUE, JOHN FRANCIS.—*Sebastian Ralé* (Boston, Heintzemann Press, 1906)—Perhaps the best defence of Ralé.

TURNER, FREDERICK JACKSON.—*The Frontier in American History* (N. Y., Holt, 1921).—See Chap. II, "The First Official Frontier of the Massachusetts Bay."

WALKER, SIR HOVENDEN.—*A Journal or Full Account of the Late Expedition to Canada* (London, D. Browne, 1720)—Walker's defence of his conduct during the ill-fated expedition of 1711.

WATKINS, WALTER K.—"The Expedition against Port Royal in 1710 and Quebec in 1711" (Society of Colonial Wars, *Publications,* No. 3, Boston, 1897)—Includes a transcript of an anonymous journal, and of official documents.

WATKINS, WALTER K.—"The Expedition to Canada in 1690 under Sir William Phips" (Society of Colonial Wars, *Publications,* No. 4, pp. 111-232, Boston, 1898)—Includes transcripts of Major Walley's journal and other documents.

WILLIAMSON, WILLIAM D.—*History of the State of Maine* (2 vols., Hallowell, Glazier, Masters, & Co., 1832)—Useful for the numerous military operations in that region.

WILSON, JAMES GRANT.—"Lord Lovelace and the Second Canadian Campaign—1708-1710" (American-Historical Association, *Annual Report,* pp. 267-297, Washington, 1891).

WINSOR, JUSTIN.—*Narrative and Critical History of America* (8 vols., Boston, Houghton, Mifflin, 1889)—Vol. V, chapter VII, pp. 512-525 has a valuable bibliographical note by the editor about the authorities on the French and Indian wars of New England and Acadia.

WINTHROP PAPERS.—(Parts IV-VI, Mass. Historical Society, *Collections,* Fifth Series, Vol. VIII; Sixth Series, Vols. III and V; Boston, 1882, 1889, 1892)—Correspondence of John Winthrop, Jr., of Wait and of Fitz-John Winthrop, and of John Winthrop, F.R.S., up to 1728.

WISE, JOHN.—"Narrative of Phips's Expedition against Quebec" (Mass. Historical Society, *Proceedings,* Second Series, Vol. XV, pp. 283-303, Boston, 1902)—See pp. 304-319 for a reprint of an anonymous journal of the same expedition.

WRAXALL, PETER.—*An Abridgement of the Indian Affairs Contained in Four Folio Volumes, Transacted in the Colony of New York from the Year 1678 to the Year 1751* (Cambridge, Harvard Univ. Press, 1915)—Edited by C. H. McIlwain. The transaction of the Albany Indian Commissioners with the Five Nations, showing the hostility of the Commissioners to the giving of aid by the Five Nations to New England.

CHAPTER IV

GEOGRAPHICAL EXPANSION AND TOWN SYSTEM

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Formative Period (1630–1684)

The two centuries succeeding 1630 marked the formative period of town government in Massachusetts. From the famous Body of Liberties (1641)—the first code of laws that the colony had—through the legislation of the Colony, Province and early Commonwealth, there is, with few exceptions, little more than a development of institutions that had their beginnings in the early years. Even when the first charter of the colony was taken away in 1684, the principal regulations pertaining to local government remained in force. During the seventeenth century they became increasingly numerous. The statutes near the opening of the period show some thirty-three orders, penalties, and permissive regulations of various kinds enacted by the General Court pertaining to the towns: and more than sixty others relating to the duties of the selectmen.

Nevertheless the essential of framework government was unaltered,—comprising the town meeting, the principal officers, and a host of minor officials that increased as the social and commercial needs became more urgent,—all those remained much as they had been in the days of the first settlements.

In October, 1684, the charter under which the Massachusetts Bay Colony had been governed for over half a century was annulled. The Crown had become increasingly dissatisfied with what were thought to be unwarranted acts of the colonists. Especially unsuccessful was the claim that they were a "body corporate and the politique," under which claim they exercised far more political power than had ever been intended. Without the charter Massachusetts became a crown colony,

that is, a colony deprived of many of the privileges of self-government previously enjoyed: and they were expected henceforth to be much more directly accountable to the English crown. Under such conditions, it became the duty of the King to appoint the Governor; and his first choice (although a temporary one) was Joseph Dudley,—son of that Joseph Dudley who was four times Governor of Massachusetts during the days of the charter.

Even so the public life of the people was altered very little. The new Governor gave assurance that there would be but few changes in the forms and methods of administration; and in his proclamation at the close of the first meeting of the colonial assembly under the new order, he recognized and apparently approved the existing organization of the towns. During his term of office, few attempts were made to interfere with local affairs. Land tenures, town boundaries, political structures, and taxing privileges were confirmed, with few restrictions. Except for the fact that towns chose no deputies to the General Court during this time, their political procedure was much as in the life of the charter.

Local Government in the Andros Period (1688–1689)

On Sunday, December 19, 1686, there arrived in Boston a new "Captain General, and Governour in Chief" to take the place of President Dudley. This was Sir Edmund Andros, a man of wide military and administrative experience, but with an imperious disposition that had at times led him into difficulties. While it seems that he was "received with . . . acclamations of joy, and . . . escorted by a great number of merchants and others, to the Town House," his arrival was the beginning of a period of increasing disturbance; and because of his unwillingness or inability to foster the traditional institutions of the colonies, many of his principal difficulties clustered about the Massachusetts town system.

Among the first acts of the new governor was an order that "Selectmen, Constables, Overseers of the poor and all other Town officers for manageing the Prudentiall Affaires thereof be Continued and elected and are to act in all Town Affaires in their Severall bounds as formerly." But unfortunately

further acts did not bear out the promises contained in this measure. A tax was levied that compared to sums previously charged in the colony was a heavy burden,—"A penny in the pound on all Estates personal or real, twenty pence *per* head as Poll Money, a penny in the pound for goods imported, besides an Excise on Wine, Rum and other Liquors." The towns remonstrated. Many petitioned to be exempt from payment, and some even refused to collect the new taxes.

The question of land titles became annoying. Andros interpreted the instructions given him by the King to mean that he was to take control of all ungranted real property in the country: and that it was to be disposed of in such manner as the King might see fit to prescribe. This developed into a claim that new patents (that is, titles) must be taken out by every land owner at the expense of a heavy fee for the service, if he wished to enjoy unrestricted ownership of any disputed lands. The Governor went even further: he told the colonists that, inasmuch as their former charter had given them no right to establish local communities for the purpose of government, no such thing as a town had a legal existence in the colony. A still greater offence was the enactment that: ". . . From henceforth it shall not be lawful for the inhabitants of any town within this Dominion to meet or convene themselves together at a town meeting, upon any pretense or color whatsoever, but at the time before mentioned [i.e., the third Monday in May] and appointed for the choice of town officers as aforesaid."

Town Government Revived (1689–1692)

This was a grave mistake. At a time when the people were particularly anxious to utilize their town meetings for the purpose of making complaints that seemed to them to set forth real grievances, the meetings were reduced to one a year. Such an attitude must inevitably arouse the bitterest opposition. The flight of King James before William of Orange in England served as a pretext for open revolt. As is related in a previous volume of this work, the colonial government was overthrown and Andros imprisoned. A "Council for Safety of the People and Conservation of the Peace" recom-

mended that town meetings be held, to choose not to exceed two persons from each town, to meet together to determine what was best to be done. In May, 1689, such a meeting took place,—61 representatives from 44 towns and villages; and these subsequently voted in favor of reviving the old charter. The acting governor and magistrates accepted this suggestion until "an Orderly Setlement" arrived from England; and before the middle of the summer of 1689, nearly every trace of the unhappy Andros regime had vanished.

The new charter granted under date of October 7, 1691 was a very different document from that of 1629,—a distinct decline from the freedom of the colonial days. The charter did confirm the titles to all lands held in the colony: and it recognized the town system by providing a General Court to be held at least annually, each town to elect two representatives. Nevertheless no guarantee was included of the institutions for local self-government such as the towns had built for themselves during the days of the colony. Indeed, it seems that such privileges were not contemplated,—for the entire supervision of local communities was placed under the control of the Province.

Town Government Established by Statute (1692)

The first recorded act of the new government was designed to continue the local laws then in force. While for technical reasons this revival was set aside by the Privy Council in England, in November of the same year (1692), a general statute was enacted which was in effect a charter of town government. It confirmed the ancient town boundaries, approved, with few exceptions the old political methods, and included detailed provisions for carrying out many local functions. Under the statute, town meetings were to be held annually in the month of March; warrants were to be issued by the selectmen and served by the constables or such others as the selectmen or "townsmen" might appoint. The election of town officers was to be by the majority of the qualified inhabitants assembled, and the officials to be chosen were fully enumerated,—three, five, seven or nine selectmen: overseers of the poor (where the selectmen did not assume that duty); a

clerk, a "commissioner of assessments", constables, surveyors of highways, tythingmen, fence-viewers, clerks of the market, sealers of leather, and "other ordinary town officers."

Control of the Towns by the Province

Compared to its famous predecessor of 1635-36 (the first town act under the colony) the law was basically much the same: It recognized the earlier provisions but it went further. Under the new Province law (as under the later colony law) the suffrage was defined to be in "the freeholders and other inhabitants of each town, rateable at twenty pounds estate" who were qualified to vote in town meetings. The statute also contained instructions to the selectmen pertaining to the assessment of town and county charges, as well as provisions concerning idle persons, care of the poor, the admission of inhabitants and the treatment of intruders.

A most important addition was the clause requiring that all town orders and by-laws (made either by the town or by the selectmen under instructions) before becoming valid must be approved by the Court of Quarter Sessions—a group of justices of the peace appointed by the governor and council; and that all town officers from whom an oath was required by law be sworn before the same body or before a single justice.

Supplementary legislation bore out the expectations of the early period, indicating a policy of close supervision and even compulsion in town affairs. During the days of the colony the precise legal status of the town was always in doubt. This condition was partly adjusted by a law enabling towns, villages, and proprietors in common and undivided lands to sue and be sued. Penalties were provided for refusal by towns to provide a school master; for neglecting to elect selectmen or assessors; for injury caused by defective ways; and for the failure of constables to collect a tax.

Lapses of town meetings were prevented. A justice of the peace was given authority to call town meetings when the selectmen unreasonably refused. The same officials were empowered to fine the selectmen for neglecting to provide the town with a sufficient stock of arms and ammunition, or, if necessary, to appoint others for the same service. In addition,

they were to act in conjunction with the colonial officials in assigning sites to slaughter houses in certain towns; in appointing watchmen; and either with the selectmen or overseers of the poor in setting the indigent to work and in binding out apprentices.

Proprietary Town Meetings

The Province found it necessary, moreover, to take cognizance of an auxiliary type of town meeting. In the early days of settlement, lands were granted to groups of colonists who became thereby "proprietors" of the town. In most communities they included at first practically all of the inhabitants, so that a town meeting and a proprietors' meeting were substantially the same thing. On some occasions the townsmen would decide questions of general political importance; on others, they would dispose simply of matters pertaining to the division and regulation of the undivided or "common lands" in the community,—that is, lands that had formed part of their original grant, and were not yet apportioned among members of the town. The growth of population naturally altered this simple arrangement. Many new inhabitants appeared. A rapidly extending suffrage allowed them to participate in town meetings; and the original proprietors found themselves in a situation where they had difficulty in controlling the disposition of their own property.

Towards the close of the seventeenth century the General Court, accordingly, found it necessary to protect proprietary rights by regulating so-called proprietors meetings,—gatherings that in the eighteenth century became distinct from town meetings and were composed only of town inhabitants owning a share in the common lands. In December, 1715, a law was passed for their better regulation. The preamble set forth that, because of the disorderly conduct of some of the members business was much retarded. It required, therefore, that moderators be chosen, with powers to impose fines for speaking without permission; that ten or more freeholders might compel the insertion of articles in the warrant; and that "no matter or thing whatsoever shall be voted or determined but what is inserted in the warrant for calling said meeting."

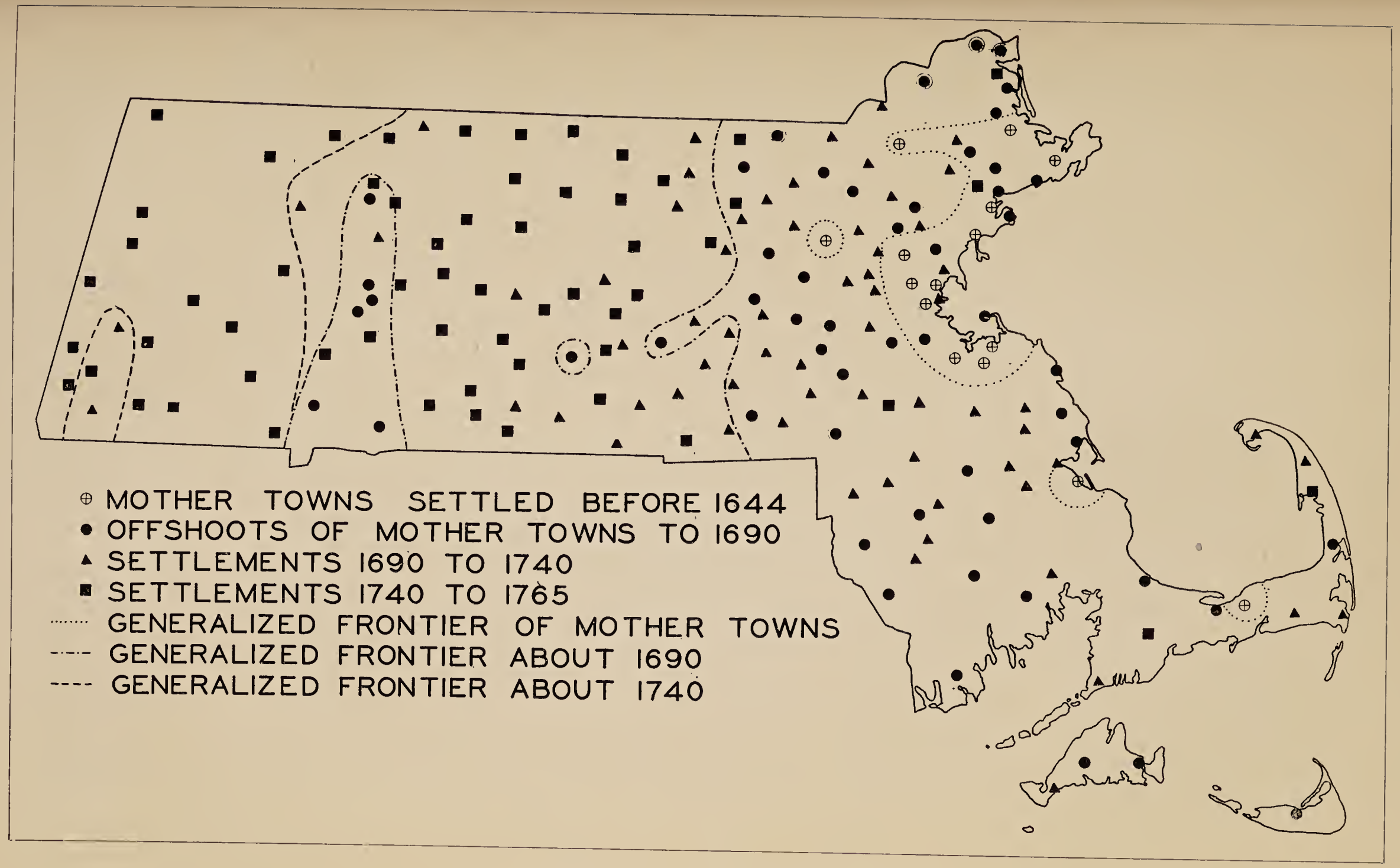
Constituent Towns (1685–1695)

On the first tax list under the new charter, (September 14, 1695) eighty-three towns were listed. They were distributed throughout the state as follows: Suffolk County, thirteen; Essex, seventeen; Plymouth, six; Barnstable, seven; Middlesex, seventeen; Hampshire, seven; York, (Maine), four; Bristol, eight; Nantucket (incorporated in 1695), one; Marthas Vineyard (which in 1695 became the Country of Dukes), County), three. Tiverton in Bristol County (lost to Rhode Island in 1747) was included,—the first town incorporated under the Province charter. If to this list be added Dunstable, Deerfield and Woodstock, described in this period as "frontier towns," and Brookfield and Worcester which had been abandoned after King Philip's War, the total would have been at that time eighty-nine towns that existed within the boundaries of Massachusetts.

Some of these were very old. Twenty of them were established in the Massachusetts Bay Colony before 1640. They numbered such distinguished communities as Salem, Charlestown, Watertown, Dorchester, Boston, Roxbury, Medford and Marblehead. Some represented the first twenty years development under the Plymouth colony,—Plymouth, Scituate, Duxbury, Sandwich, Yarmouth, Barnstable, and Taunton. The remainder were scattered throughout the seventeenth century. The English names of many new towns were continued testimony to the local affection that the colonists held for the home land that they had left. Of some sixty towns named before 1690 in the Massachusetts Bay Colony, not one retained the previous Indian name. In the Plymouth colony there were only two,—Scituate and Monomoy; and although the religious fervor of the Puritans is supposed to have been their chief characteristic, Salem and Rehoboth are the only scriptural names on the list.

New Towns (1692–1715)

The years of the Province from 1692 to 1715 saw some twenty-three new towns established. Their location does not, however, show such expansion as their numbers might indicate.



New Settlements and Successive Frontiers

The western confines of the state attracted a few settlers. Four towns were set off in what was later to become Worcester County (1731),—viz: Leicester, Oxford, Rutland and Sutton, all formed from common lands. Two more, Northfield and Sunderland, lay in the area later to be made into Franklin County (1811): Northfield was established from the plantation of Squakeag and Sunderland from common lands. Most of the new communities were in the more populous eastern sections.

Middlesex County included six new towns. Dracut, Littleton and Hopkinton were laid out from common lands, the latter with the addition of the plantation called Moguncoy. Framingham was erected from a former plantation of the same name. Two were formed from parts of older communities, —Weston, from the west precinct of Watertown; and Lexington from the north precinct of Cambridge.

In addition, five other counties representative of the older settled areas contributed new communities. Truro and Chatham were incorporated within the area of Barnstable County, —Truro from the common land of Pawmett (although it appears to have been known as Dangerfield,—part of Eastham—for several years previous to that time) and Chatham from the former district of Manamoit. The new communities in Bristol County were each sub-divisions of older towns. They included Norton and Dighton, both formerly parts of Taunton. Chilmark made the third town in Dukes County, the two others, Edgartown and Tisbury being incorporated in 1671. Plympton, part of Plymouth, and Pembroke, part of Duxbury, added two new communities to Plymouth County. Abington, formerly part of the old settlement of Bridgewater, added a third. While Medway, set off from Medfield, Brookline from Muddy River, a part of Boston, and Needham from part of Dedham, furnished three new towns in what was to become (1793) the county of Norfolk.

Origin of Town Names

The naming of these early towns under the Province government seem to have a little more diversity of origin than those of the colonial period. William H. Whitmore years ago

prepared a very careful study on this subject in which he tells us that: ". . . for about a century our ancestors gave names which may be divided into the following classes: one or two Scriptural and Indian names; certain descriptive words originating here, as Marblehead, Westfield, Deerfield, Westborough, &c.; the names of English or Welsh counties; one or two names of Colonial celebrities. Lastly, a large number of places of little importance in England were remembered here, and the strong presumption is that these names were given by emigrants from those parishes."

Under the Province the sources of town names seem to have received a little different emphasis. A few names, such as Brookline, Weston, Northfield and Littleton, appear to be of New England origin. Pembroke, Rutland, and Leicester were county names in England. Some were apparently named for individuals,—Hopkinton, Bellingham, Holliston and Dighton. The small English village seems to have suggested Tiverton, Attleborough, Framingham, Abington, Dracut, Needham, Lexington and Sutton; and a few seem to refer to great names of the English peerage,—Pembroke, Leicester, and Rutland, Abington, Lexington and Sutton, although the explanations given above in these instances seem to be the more reasonable.

New Towns (1715–1742)

The next few years saw a marked increase in new communities. The period succeeding the Peace of Utrecht (1713) was the first of comparative peace that the colony had enjoyed since the outbreak of King Philip's War in 1675. At times, indeed more than once, all that could be expected of the older settlements was to maintain themselves. The General Court was even impelled to pass rigid legislation to prevent the desertion of frontier towns, under penalty of forfeiture of estates held there, or in place of this, penalty of a heavy fine. From 1715 to 1742 settlements progressed at a more rapid rate. Not only did they appear in the older established portions of the colony, but the western sections showed unusual activity. Worcester County added fifteen new towns. They originated in the diverse ways that characterized the eighteenth century municipal development. Sturbridge and Shrewsbury (men-

tioned in 1722 as a frontier town) were incorporated from common lands. Brookfield is listed as "reincorporated" in 1718,—although the original grant to certain inhabitants of Ipswich appears to run back as far as 1660. Others had been plantations. Grafton was formerly known as the plantation of Hassanamisco and Hardwick as the plantation of Lambstown. The remainder, except Lunenburg, were divisions of older towns.

Southborough and Westborough were formed from parts of Marlborough; Uxbridge from the west part of Mendon; Upton, from portions of Hopkinton, Mendon, Sutton and Uxbridge. Bolton and Leominster were subdivisions of the old town of Lancaster,—itself a plantation as early as 1641. Holden was formed from part of Worcester; Harvard, from various portions of Groton, Lancaster, and Stow; Western, later (1834) to be called Warren, from parts of Brookfield, Brimfield and Kingsfield (now Palmer); Dudley from part of Oxford and certain common lands; and Lunenburg was set off from "the south park of Turkey Hill."

What was destined to become Berkshire County (1761) was earlier a part of Hampshire. Two towns developed within its area,—Sheffield, formerly part of the lower plantation called Houssatonnock, and Stockbridge, established from the plantation known as Indian Town. Brimfield and Blandford added two additional communities to what was then the southern section of Hampshire County,—later (1812) to become the Hampden County of today. Springfield and Westfield, —the former organized as a town as early as 1636, the latter, in 1669—were the only other incorporated communities in the area. Brimfield was established from common land; Blandford, from a tract of land known as New Glasgow,—a grant confirmed for service in the Canada Expedition of 1690.

The remainder of the settlements made in Massachusetts during these years (1715–1742) were incorporated in the older counties. Barnstable added Provincetown,—formed from the precinct of Cape Cod; Bristol added Raynham, part of Taunton; Easton was part of Norton; and Berkley was made up of portions of Dighton and Taunton. No new community

had been incorporated in Plymouth County since Abington and Pembroke in 1712, and with the exception of Plympton in 1707, none before that since Rochester in 1686. Beginning with Kingston in 1726 (previous to its incorporation the Jones River Parish of Plymouth), three more towns were added within a few years. These were Hanover, Halifax and Wareham. The former was established from parts of Scituate and Abington. Halifax was composed of portions of Plympton, Middleborough and Pembroke. Wareham was formed from the east end of Rochester with the plantation of Agawam in Plymouth.

Middlesex, Essex, Suffolk and Norfolk (then part of Suffolk County) contributed the remainder. The former increased its already impressive list of towns with nine additional communities,—Acton, Bedford, Holliston, Stoneham, Tewksbury, Townsend, Waltham, Westford and Wilmington. Essex added Methuen and Middleton. Norfolk (incorporated as a separate county in 1793) found its municipalities increased by Bellingham, Stoughton, and Walpole. Chelsea (Suffolk County) was incorporated out of Boston. Townsend (Middlesex County) was formed from the north part of Turkey Hill. The others without exception were established by the subdivision of older communities.

Comparison With Original Towns

From these data, it is clear that, by the middle of the seventeenth century, settlements were extending in a very different way from the old colonial methods. For instance, ancient Watertown began "by occasion of *Sir Richard Saltingstall,* who at his arrival, having some store of Cattell and servants, they wintered in those parts." Roxbury owed its origin to the continued dispersal of the Winthrop colonists when "Mr. Pincheon and several others planted betwixt Boston and Dorchester; which place was called Roxbury." Still other settlers "issued out to a place between Charlestown and Salem, called Saugust, since ordered to be called Linn." Cambridge was the result of much deliberation on the part of the governor and assistants concerning a suitable site for a fortified town. It was subsequently agreed to build such a place on

the "Charles River, about three miles west from Charlestown," and practically all pledged themselves to erect houses there the following spring "and remove their ordnance and munitions thither."

Neither definite land policy nor regular legal sanction marked the early establishments. The exigencies that determined the choice of the site were highly practical. "We could not have a town in the place aforesaid" [Roxbury], wrote Winthrop, "because men would be forced to keep two families . . . There was no running water; and if there were any springs, they would not suffice the town . . . The most part of the people had built already, and would not be able to build again." Even when the General Court established a close supervision over the settlement of new communities, colonization was still undertaken only by those who were seeking new homes.

Land-Grant Towns (1740–1765)

The eighteenth century was very different. The period brought commercial and industrial expansion and with it the element of speculation became of paramount importance in Massachusetts land policies. Few of the original grantees occupied the territory assigned to them. Land allotments became common in the nature of military awards for service in the various colonial wars. Such were the famous Narragansett Townships,—a bonus for service in King Philip's War —for which the General Court made numerous grants.

Another instance was the equally important Canada Townships, generously allowed in recognition of public service in the Canadian expedition of 1690. Petitions of claimants were steadily filed. Townships six miles square were voted, the settlers being obliged only to "bring forward the Settlement . . . in as Regular and defensible a manner, as the Situation and Circumstances of the Places will admit of." In addition there were to be constructed certain houses of a prescribed size; and orthodox minister must be established, and a meeting house built,—all within five years.

The need of border defence affected the policy of Frontier Townships, resulting in additional tiers of towns in the western and northern sections. Nine townships and an additional

tract were auctioned off in 1762, bringing over sixteen thousand pounds, each to be occupied within five years by sixty settlers erecting prescribed dwellings, each to show seven acres of land cleared,—"brought to English Grass or Plowed;" in every center the customary minister was established in each new township. Such processes were compelled by economic and defensive policies that quite upset the cautious procedure of the previous century.

Usual Method of Settlement

The natural order of political development was from the plantation through the district to the town; but there were many variations in the process. At times a grant (frequently six or eight miles square) would be made to a group of prospective inhabitants "providing sixty families settle thereon" within a limited time. Meanwhile a committee was appointed by the Council to manage the settlement "until it shall become a town." In other instances upon petition of the inhabitants of part of an established community it received an independant status. The area would be erected into a township; often an additional "precinct" was set off to facilitate the worship of God and Support of a learned & Orthodox ministry among themselves."

But in all other respects the precinct was to be considered as part of the older settlement. The Court might refuse the request, as it did in the case of Swansea because it could not "see reason as yet to Divide Swanzey into two Distinct Towns." Or, after sufficient hearings and deliberations, the petition was granted and a name given as in the days of the Colony. For example—

"*Ordered* that the Village or District now called Manamoit be erected into a Township & the Town named Chatham."

An example of legislation for a district is the order of June, 1714: "Whereas a number of inhabitants are settled upon that . . . cape [Cape Cod], and many others resort thither at certain seasons of the year, to make fishing voyages there, which has not hitherto been under the government of any town, or regulation among themselves, that henceforth all the province lands in the said cape be a district or precinct, and the

inhabitants then are obliged to secure and support a learned orthodox minister, of good conversation, to dispense the word of God among them, and to allow him sixty pounds a year maintenance." Thirteen years later the area was made a township under the name of Provincetown.

Thomas Hutchinson relates that when a bill was passed by both houses of the General Court to make the district of Danvers (long a part of Salem) into a town, objections came from certain members of the Council, because: "By the kings instructions to the governor, he was strictly charged to consent to no act for making a new town, unless, by a clause in it, there should be restraint of this power of sending representatives; and Danvers, a few years before, when it had been separated from the town of Salem, was made a district and not a town, because districts had not this power."

Districts

Even in colonial times there are numerous instances of groups of individuals who, occupying clearly defined areas, were frequently established as townships or districts, without the full privileges of a town. For example, the act erecting Danvers into a district reads: the "inhabitants . . . shall do the duties that are required and enjoyined on other towns, and enjoy all the powers, priviledges and immunities that towns in this province by law enjoy, except that of separately chusing and sending one or more representatives to represent them at the general assembly."

A later act of June, 1757 subsequently incorporated Danvers with all the powers, privileges and immunities that the "inhabitants of the towns within this province are or by law ought to be vested or endowed with." This somewhat irregular condition passed with the English control, for among the first acts of the Provincial Congress that met in Watertown in July, 1775, was an order that every district in the colony would henceforth be a town "to all intents (and purposes) whatsoever."

New Towns (1742–1763)

In the way just described, Massachusetts developed its local governments in the eighteenth century. The communities

established from the beginning of the province period (1692) to well toward the middle of the century (1742) have been listed. The period covered approximately by the next two decades,—to 1763—although still more strongly marked by the newer methods of expansion, showed a no less vigorous development. In Essex County, as has been mentioned, Danvers was established from the District of Danvers, formerly the Village and Middle Parish of Salem. In Middlesex, Shirley, Pepperell and Lincoln were incorporated,—the first two from parts of Groton, and the latter from a former precinct, originally portions of Concord, Lexington and Weston.

Hampshire County added Pelham, Southhampton, South Hadley, Greenwich, Amherst, Belchertown, Ware and Chesterfield. Southampton, South Hadley and Ware were made districts only. Plymouth made no additions until Carver was incorporated from the southern part of Plympton in 1790. Bristol added no town until Mansfield,—the north precinct of Norton, in 1770. Marshpee and Wellfleet were added to Barnstable County in 1763. Both, however, received the status of districts. Marshpee, (reincorporated as a district in 1814) did not become a town until well into the nineteenth century (1870). Wellfleet, formerly part of Eastham, did not receive a full coroprate status until the act of 1775.

Worcester County added eight new communities. Douglas, Spencer, New Braintree, and Oakham were made districts,—all destined to become towns by the general act of the Provincial Congress at Watertown. Petersham, Charleton, Templeton and Athol were incorporated as towns. Petersham was formed from the plantation called Nichewoag—a "volunteer town" granted to Jeremiah Perley, John Bennet and others about 1732 as a reward for military services. Charlton was established from the west part of Oxford, although it appears that the act establishing it as a town in 1754 was later considered void. Templeton was one of the grants made for service in the Narraganset Expedition of 1675 and was formed from the plantation called Narraganset Number Six; while the plantation called Payquage was the basis for the incorporation of Athol in 1762.

The country of Berkshire added Pittsfield, and Great Barrington, Sandisfield and Tyringham and the districts of New

Marlborough and Egremont. Pittsfield was incorporated from the former plantation of Pontoosuck, and Great Barrington from the north parish of Sheffield. Sandisfield received its corporate status from the "New plantation called Number Three" ; and Tyringham from "the new plantation called Number One." New Marlborough (one of the so-called Housatonic townships including also Sandisfield, Tyringham and Becket) and Egremont were established as districts,—the former out of the plantation of that name, and the latter from common land.

From what is the present county of Franklin, the Commonwealth increased its new communities by seven. Northfield in 1714 was the last town incorporated in that county, until Greenfield, New Salem and Montague were erected into districts in 1753. Greenfield was part of Deerfield; New Salem was formerly the "township of New Salem," and with an additional grant was made into a district of that name; and Montague was part of the North Parish of Sunderland. Four communities were given a complete status as towns,—Colerain from the plantation of that name; Shutesbury, from the plantation called Roadtown; Bernardston from Falltown; and Warwick, from the plantation called "Roxbury Canada," in addition to various farms and common lands.

The area composing the future county of Hampden in this period established four districts and one town. Palmer, Granville, Monson, and South Brimfield composed the former. Palmer had existed under various titles. Sometimes it was called New Marlborough and sometimes Kingsfield. In 1752 the plantation called the Elbows was made into the district of Palmer. Granville was established from the plantation of Bedford, and Monson was erected into a district from part of Brimfield. South Brimfield was incorporated as a district in 1762, and was made a town by the general act of 1775, and became the town of Wales in 1828. Wilbraham was made a town from the fourth parish of Springfield.

It is difficult to trace such a development. The precise time that a "town" became a town is not always a matter of precision, and even to enumerate the communities of a designated period requires careful selection.

Census of 1765

The same year, 1763, which is the terminal date for the above list of towns, marks also the first movement for a general census in Massachusetts. After some delay, an order was passed February 2, 1764 directing the selectmen of each town and district in the Commonwealth to gather the required data in their respective communities. The returns were not completed until the latter part of May, 1765. Even then they were not officially published. In 1822, Judge Samuel Dana sent a manuscript to the editor of the *Columbian Centinel* of Boston, accompanied by a letter in which he explained that the document had been found among the papers of a deceased friend. It was the missing census of 1764–65. The *Centinel* published the manuscript, and subsequently the account appeared in *Abstract of the Census of Massachusetts, 1860.*

It contains what purports to be a complete list of towns within Massachusetts at that time. An introductory comment reads: "In this census are mentioned 184 towns within the present limits of Massachusetts, two of which—Dracut and Hanover—made no returns. Two other towns—Paxton and Sharon—having been incorporated in 1765, are presumed to have been included in Rutland and Stoughton, from which towns they were respectively set off. Besides these 186 towns, there were 14 other towns, or districts, incorporated before the close of the year 1765, which seem not to have been included in this census."

According to this account, the towns within the Commonwealth of Massachusetts were distributed among the various counties in 1765 as follows: Suffolk, 18; Essex, 21; Middlesex, 37; Hampshire, 29; Worcester, 35; Plymouth, 15; Barnstable, 10; Bristol, 11; York (Maine), 7; Dukes, 3; Nantucket, 1; Cumberland (Maine), 7; Lincoln (Maine), 6; Berkshire, 6. It is of interest to add that the total white population in Massachusetts (exclusive of the District of Maine) was 222,563, and if Maine be included the figure will be increased to 244,010. On the basis of 89 towns, estimated as existing when the first tax list under the Province was published in 1695—the territorial development of seventy years is easy to calculate. Admitting 186 towns (exclusive

of Maine) in 1765 plus the 14 other towns and districts mentioned by the census enumerator as then existing, the net increase remaining in the district of Massachusetts would be 111 new communities in seventy years.

Evolution of Town Government (1624)

When the Massachusetts colonists first landed in America, they found it necessary to take local political matters much into their own hands. Each group of settlers at an early period met together to discuss matters of common concern, to decide the proper action to be taken, and to appoint men to give such decisions effect. No long time passed before regularity in time and attendance was recognized as necessary; and under the first dated page of the Cambridge town records (December 24, 1632) is found "Ann Agreement made by A Gennerall Conf(erence) for a mounthly meeting," in which every person "under subscribed" is ordered, under penalty of a fine to appear "Every second Monday in Every mounth within [the] meetinghouse In the Afternoon within half [an] ouer after the ringing of the bell." A few months later (October 8, 1633) Dorchester gave complete expression to a plan for town meetings; Charlestown followed with an order dated February 10, 1635, not only recognizing the town meeting, but making the first provisions (so far as is known) for selectmen.

From that time the development was rapid and continuous. While in reality there were many special occasions upon which the townsmen came together, definite arrangements for one annual meeting were generally made. That meeting undertook as its principal function the election of town officers for the ensuing year and "the Redressinge of any greauance that maie be discouerd." The selectmen easily became the most important local officials, and their influence and leadership is never for a moment in doubt. They were known variously as the "nine men," or "the town representatives," or as "the selectmen of Braintree"; and the records of Rowley call them the "Prudential men." Their functions became as various as their titles, and a vast amount of administrative work was supplemented by additional duties that the General Court from time to time imposed from above.

Colonial Designation of Town Officers

Moreover, a large group of minor officials was developed who took over a great diversity of tasks pertaining to the affairs of the town. The most important perhaps, was the constable. At various times he warned town meetings, had charge of highways, levied fines, apprehended Quakers, collected rates, assisted tythingmen, and was even ordered to "attend funerals of any that die with the small pox, and walk before the corpse to give notice to any, who may be in danger of the infection." So numerous, indeed, did his duties become, that both Plymouth and the Massachusetts Bay Colony found it necessary to compel acceptance of the office under penalties of respectable fines,—even as high as ten pounds in Boston.

Next in point of prominence was the tithingman,—a constable whose duties began on Sunday. He was to preserve order in the meeting house; and the selectmen cooperated to the extent of providing him "at the Town-Charge with Staffs two Feet long, black, and tipt at one End with Brass, about *three* Inches."

There gradually grew up a host of other officers,—fence viewers, pound keepers, herdsmen, raters, and surveyors of highways. There were hogreeves, town drummers, and perambulators; sealers of leather, procurers of wood and overseers of the fences. There was a "clark to call town meeting," a judge to pass on delinquents at town meeting, and additional special officers for still more special purposes. The continuity of this elaborate structure is strikingly apparent in the town records of the eighteenth century. Take one example—

Braintree ye 1st. March 1708.

The inhabitants of the Town of Braintree Regularly Assembled, then chose Coll. Quincy Esqr, moderator for that day.

The Selectmen then chosen for ye year ensuing were,

Coll. Edmund Quinsey Esq. Capt. John Mills, Serjeant Joseph Neall Serjeant Nehemiah Hayden Mr. John Webb.

Then votes that ye present Selectmen be Assessors for ye year ensuing.

Joseph Parmenter was then chosen Town Clerk.

The Constables then chosen were Benjamin Webb, and Moses Curtis.

Town Treasurer then chosen was Joseph Bass Junior

The Titheing men were Ensign Peter Adams, Ensign Samuel Baster Peter Webb and Jonathan Hayward.

Surveyors, Moses Penniman Joseph Bracket Joseiah Hobart Benjamin Allen

Haward or Field Drivers James Penniman & William Savel.

The meet pursons to look after ye act relating to Horses, were John Thayer and Joseph Crosbye.

Fence Viewers Deacon Moses Payne Nathaniel Spear Josiah Faxon. Samuel White Junior.

Town Records

If the framework of town government shows few changes from the charter period, the records of the town meetings in the eighteenth century are far more complete. Not only are they better recorded, but the familiar warrants of modern times begin to appear, and they bring an air of stability and precision to the procedure that was quite lacking in the early days. Then, as in present Massachusetts towns, the warrant was usually addressed to the constables, and issued under the hands of the selectmen or of the town clerk by order of the selectmen. The warning is directed to the "freeholders and other inhabitants" or merely to the "Inhabitence of said Town" or perhaps, as in Dedham, the "Inhabitants and propriators." Nowadays it sounds odd to note them issued in "his Majesty's name," although when difficulties with England became acute the notice is at times formerly altered. Early in the Revolution the rural town of Oxford thus dealt with the matter: "October 12, 1776. The style of notice is changed. The freeholders, etc., are notified and warned, in the name of the Government of the people of this State, to meet," etc.

The place designated for the meeting is usually the "Publick Meeting house" or simply at "the Town House." But it seems that occasionally other arrangements were made. Thus the town of Dudley provided for meeting "at the dwelling house of William Carters" or "at the dwelling house of Joseph

peppers." The body of the warrant is apt to lack entirely the formality that later years developed, and the purpose of the meeting fails, accordingly, to attain the regularity of expression the modern arrangement into "articles" permits. But its pleasant naiveness adds color and interest that a more sophiscated terminology would quite destroy. For example—

"Braintrey, ye 26 November 1703.

"The Inhabitants of Braintrey aforesaid being Regularly assembled by warrant (under the selectmens hands) to the contable Richard Thayer

"they then voted Captain John Wilson Esq. Moderator for the day.

"The warrant was as followeth:—

To Richard Thayer, Constable of Braintree.

"Whereas there has been some dissatisfaction and disturbance in the Town respecting mr. Fiske maintenance, there being some of our neighbors who think that that note which settles 90 Pound [per] annum upon him was not so legal & orderly made & to prevent any further Trouble in the Town thereabout we think it needful that yet Town should meet—these are therefore to require you in her majesties name to warn all ye Freeholders & other Inhabitants of this Town qualified as ye law directs to vote in Town affaires to meet at ye meeting house on fryday the 26 of this instant november at Ten of ye clock in the forenoon to consider of this matter & to agree upon a sum for mr. Fiske maintenance for this present year the greatest part of which allready past and to settle a salary for him for the futar if ye Town shall so agree when they come together, given under our hands this 11th day of november, 1703."

Town Meeting Business

The town meetings apparently did not always accord to expectations. The General Court set aside the proceedings of one such gathering in Freetown because "some persons who paid no rates, and some in their nonage" were allowed to vote. In Watertown, on one occasion, when the moderator called for a division "the negative refused to move up the gallery" to be counted. And it appears that in Great Barrington, a

From Massachusetts *Archives*

Map of Cambridge and Vicinity, 1759

majority of those present on one occasion simply refused to continue the deliberations.

In spite of irregularities, business was in most cases effectively transacted; and the political affairs of the community were arranged with surprising harmony and precision. William Gordon, the author of an extensive work on *The History of the Rise, Progress, and Establishment, of the Independence of the United States of America* published for the first time in 1789 has given us an excellent summary of town meeting government as practiced in the latter part of the eighteenth century:

"The selectmen, by their own authority or upon the application of a certain number of townsmen, issue a warrant for the calling of a town-meeting. The warrant mentions the business to be engaged in, and no other can be legally executed. The inhabitants are warned to attend; and they that are present, though not a quarter or tenth of the whole, have aright to proceed. They choose a president by the name of Moderator, who regulates the proceedings of the meeting. Each individual has an equal liberty of delivering his opinion, and is not liable to be silenced or brow beaten by a richer or greater townsmen than himself. Every freeman or freeholder, as the business regards either the freeholders in particular or the freemen at large, gives his vote or not, and for or against as he pleases; and each vote weighs equally; whether that of the highest or lowest inhabitant. At these town meetings the people are used to debate and conclude upon instructions to their representatives respecting matters before or likely to come before the general court—freely to express their sentiments regarding public transactions—to agree upon the choise of a minister, and the salary they shall give him; upon building or repairing the meeting-house, and upon a variety of other interesting matters, which concern the exercise of their civil or sacred privileges."

A Typical Town Meeting

The records of the period offer many examples of this procedure, but the town meeting of Boston, because of its prominence in the Commonwealth, as well as because of the

important part it was to play in the opening days of the American Revolution, is particularly significant. It receives particular attention in another chapter of this volume of the Commonwealth History. A characteristic Boston Town Meeting was that held in 1725. The March meeting was called in the morning at Faneuil Hall. It was opened with prayer, the warrant read, and thereupon "Sundry laws" newly passed by the General Court were communicated to the people. A moderator was chosen and a clerk elected. After this the town proceeded to the choice of seven selectmen and the numerous minor officers. If, however, the meeting was for the purpose of choosing representatives to the General Court, it was frequently done at the opening of the session. Voting was usually by ballot. The inhabitants were "directed to withdraw" whereupon they returned to place their votes in the hands of the selectmen who received only "such as are unfolded." The meeting adjourned at noon to meet later in the day,—usually three o'clock—at which time instructions might be voted to the town representatives and action taken on articles in the warrant.

The eighteenth century closed in Massachusetts with the towns in the ascendency. The part played by them in the Revolutionary War will be later described in this work. The records enunciate almost every political principle that would tend to relieve outraged local sentiment. The political activities of Revolutionary town meetings helped to prepare for the Declaration of Independence, by forming the committees of correspondence and safety, in offering bounties for volunteer services in the army, and in procuring arms and ammunition. They were, in many cases, the heart of Massachusetts military activity. A British sympathizer wrote of the town meeting in Boston that it ". . . is the hot-bed of seditions. It is there that all their dangerous insurrections are engendered; it is there that the flame of discord and rebellion was first lighted up and disseminated over the Provinces."

It could hardly be expected, therefore, that the new constitution of the Commonwealth in 1780 would be anything less than profuse in its references to the "people" and particularly in its emphatic recognition of the town. The town meeting was no longer the creation of the statutes of the General

Court. It was formally incorporated in the frame of government. "The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer." March 23, 1786 the General Court passed the first general act "For regulating Towns, setting forth their Power, and for the Choice of Town Officers, and for repealing all laws heretofore made for that Purpose." It replaced the town act of 1692, as the latter had replaced the older regulations of the colony in the famous order of 1635-36. Collectively those acts are a series of local charters that deserve high rank in the political records of American constitutional history.

SELECT BIBLIOGRAPHY

ADAMS, C. F.—*The Genesis of the Massachusetts Town and the Development of Town-Meeting Government* (Mass. Historical Society, *Proceedings,* 2d series, Vol. VII, pp. 174-211)—Excellent as a study in early Massachusetts records, but the theory of town origins presented has received little support. The extensive comments by Messrs. Goodell Chamberlain and Channing that follow this essay (pp. 211-263) are of equal value.

ADAMS, CHARLES FRANCIS.—*Three Episodes of Massachusetts History* (2 vols., Boston, 1894)—The third "episode" discussed (Vol. II) is a study of church and town government based upon the experience of Braintree. It is particularly useful for the eighteenth century materials that it presents.

AKAGI, ROY HIDEMICHI.—*The Town Proprietors of the New England Colonies* (Phila., Press of the Univ. of Pa., 1924)—A careful account of the development of the proprietors' meetings of the eighteenth century and of their influence on local government.

CHANNING, EDWARD.—*Town and County Government in the English Colonies of North America* (Johns Hopkins Studies in Historical and Political Science, Second Series, Vol. X, Balto., John Hopkins Press, 1884, pp. 5-57)—Although written some years ago, this essay remains one of the most significant studies in the field of institutional origins in America.

DAVIS, ANDREW MCFARLAND.—*Corporations in the Days of the Colony* (Colonial Society of Massachusetts, *Transactions,* Vol. I, Boston, 1895, pp. 183-215)—A useful but brief commentary on the legal status of the colonial and provincial towns.

FELT, JOEL BARLOW.—*Statistics of Towns in Massachusetts* (Am. Statistical Assoc., *Collections,* Vol. I, pt. I, pp. 2-116, Boston, 1847)—The most complete brief account of the origin and development of the towns of Massachusetts to about 1843.

MASSACHUSETTS (Commonwealth).—*The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay* (21 vols., Boston, 1869-1922)—The complete legislation of the province period. Volume XXI is given exclusively to town charters, 1691-1714.

MASSACHUSETTS (Colony).—*The Colonial Laws of Massachusetts. Reprinted from the edition of 1672, with the supplements through 1686* (Boston, 1890)—Edited by William H. Whitmore. Contains the Body of Liberties of 1641, and the records of the Court of Assistants, 1641-1644.

MASSACHUSETTS: SECRETARY OF THE COMMONWEALTH.—*Historical Data Relating to Counties, Cities, and Towns in Massachusetts* (Boston, 1920)—A pamphlet of great value to any student of local institutional history in Massachusetts. It contains a complete list of all counties, cities and towns established in the Commonwealth, and much data pertaining to their original condition, incorporation, change of boundaries, extinction, etc.

MATHEWS, MRS. LOIS KIMBALL.—*The Expansion of New England Settlement and Institutions to the Mississippi River, 1620-1865* (Boston, Houghton Mifflin, 1909)—An account of the spread of New England settlements (with excellent maps) to the Mississippi River, 1620-1865.

TURNER, FREDERICK JACKSON.—*The Frontier in American History,* (N. Y., Holt, 1920)—See pp. 39-204, "The First Official Frontier of the Massachusetts Bay." A good discussion of the "frontier towns" of the period of the Province.

WHITMORE, WILLIAM H.—*On the Origin of Names of Towns in Massachusetts* (Mass. Historical Society, *Proceedings,* First Series, Vol. XII, pp. 393-419, Boston, 1843).—A careful study of the origin of town names from the earliest settlements through the administration of Governor Thomas Hutchinson, —1774.

CHAPTER V

THE ROYAL GOVERNORS AND THE GENERAL COURT (1717–1773)

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Massachusetts Democracy (1717–1773)

The fifty-eight years from the accession of Governor Shute to the departure of Governor Hutchinson are the most important, from a constitutional point of view, in the pre-Revolutionary history of Massachusetts; for they cover a period when the people of England and New England were drawing apart in views, interests and characteristics. These were also years in which the constitutional development of Massachusetts was proceeding.

Ancestor worshippers have carefully tended the lamps lighted to the memory of the founders of the Colony, and have constantly praised the democratic character of the government under the original Charter. Nevertheless the fact remains that the Charter government from 1628 to 1685 can hardly be styled a democracy, although it must be styled a republic. In those days the political power was vested in the hands of the little group of aristocrats, which comprised the leaders of the original settlement and their immediate descendants, working in close conjunction with the Congregational ministers. Together they controlled the right of franchise and saw to it that only persons agreeing with themselves were entrusted with the ballot.

Whatever may have been the immediate purpose of the Stuarts in their struggle with the Massachusetts theocracy, the result of the overthrow of the "close corporation," that up to 1685 ruled the Bay Colony, was to give a great impulse to political freedom. Under the new Charter of 1692 all

persons having a freehold estate of 40 shillings per annum, or a personal estate of £40, were entitled to the franchise. Of course under this provision many of the lower social class were excluded from a vote; but the exclusions were fewer in number than under the old system. Moreover, there was thenceforth a vast difference between excluding from a hand in the government persons who were too shiftless to acquire the small amount of property required, and the previous exclusion from a participation in the affairs of state of all persons who, for one reason or another, were unacceptable to the Congregational clergy and their friends.

In the period we are considering, the people of Massachusetts developed along certain well defined lines diverging from their brethren in England. The frontier influence bred in the settlers a self reliance and impatience of control, as well as confidence in their own wisdom, together with narrowness, ignorance and parochial outlook that often rendered their officious self-reliance unlovely, and mean and unworthy in its expression. The geographical conditions and the sterile soil of necessity forced many of the free farmers into the poorer class of the community, and led to their alliance with the mechanics of the towns. The fine harbors fostered commerce, which favored the growth of a provincial plutocratic oligarchy in place of the original aristocracy. Like all plutocracies, it was bent upon the aggrandizement of its own personal fortunes by exploiting the natural resources of the country, controlling its commerce and utilizing the less fortunate members of society.

Social and Political Classes (1692–1717)

Hence a class antagonism arose, as is usual in plutocracies; it was accompanied by a discontent with the mother country, which was perhaps only an incident in the other deeper struggle. For nothing but certain ill-advised measures of the home government, especially affecting the merchants, taken toward the end of our period, led to a temporary and limited alliance of the monied class with the farmers and mechanics in resistance to the Crown. The discontent of the poor was fanned by certain able demagogues throughout that period, who sought

their own advancement through relief from control by the home government. The increase in population during this period, and the opening up of new settlements brought the people into closer contact with the inhabitants of the other colonies. At length, slowly and somewhat unwillingly, Massachusetts, in conjunction with the other colonies, was forced to recognize that the American colonists in reality formed a distinct nation, with interests that conflicted with those of England. In other words, American nationality had its birth in this period; and the trend toward American nationality was strongest in Massachusetts, as the leading commercial colony.

When we turn from these general considerations to the field of politics, we find in Massachusetts an equally important constitutional development, which was the necessary corollary of social and commercial progress. The most striking thing about the political development in the English colonies is how English it was in character. Our ancestors, Englishmen by blood, nature and tradition, worked out the problems of their colonial development in a thoroughly English fashion. Indeed the petty conflicts of the royal governors and the provincial assemblies in all the colonial struggles follow,—making allowance for new conditons,—the earlier struggles in England between the Crown and their forefathers "in Commons assembled." In both old and New England the principal conflict between executive and legislative concerned the control of outgoes by supply bills, and of income by taxation. Around these two factors the battle for Anglo-Saxon freedom has always centered.

The Charter of 1692, granted by William the Third,—a tolerant and enlightened monarch,—was intended to give to the colonists of Massachusetts Bay the largest amount of personal liberty consonant with their dependence upon the home government. In practice, when applied to the future development of the Massachusetts people, it proved to be an unworkable instrument, which was a factor in the final breach of 1775. Experience shows that colonies can only be successfully maintained by one of two methods: either by denying them all share in the government and ruling them directly from home, as the Virgin Islands are now ruled by the United States; or by giving them complete liberty in all branches of government

and thus binding them to the home country merely by the slight bond of a common allegiance, as is the present Dominion of Canada. The first method,—that always employed by France and Spain in their colonial empires,—was obviously impossible with a strong, sturdy, freedom-loving race of Englishmen, accustomed for centuries to self-government. The latter method,—that now practiced in the British Empire,—was only evolved after a century and a half of bitter experience of empire building. At the time of which we write it lay far in the future. The success of this latter method, a partnership among men of English blood, has been most striking; for the thin bond of a common allegiance to the British Crown proved in the crisis of the World War to be at once flexible and unbreakable under the hardest tests.

In 1692, such a relation was unknown; and England had nothing to go by except her old institutions, because she had had as yet but little experience with empire building. The Charter of 1692 was an attempt to make the colony self governing, and at the same time dependent upon the home government—two divergent purposes that were impossible of reconciliation.

Legislative Organization (1717–1773)

By the Charter the Province was given a General Assembly with power to make all laws for the general good, and to vote the money necessary to carry on the government; at the same time it was subject to such laws as Parliament chose to enact. The Assembly could not make laws contrary to those of England; and the Governor, appointed by the Crown, could veto the Assembly's bills and could thus confine its legislative activities within the bounds of his instructions from England. Moreover, a further power of disallowing any Provincial law duly signed by the Governor was vested in the Crown.

Such a system of government, viewed in the light of subsequent developments, was impossible. It could not function, when the Assembly was composed of stiff-necked English freemen, with the traditions of the English Revolution of 1642 fresh in their memories. For example, the Charter provided for an Upper House of twenty-eight Councillors to be elected by the Council and Assembly; but the Governor could veto

any thirteen of the choices of the House. By the Charter each town was allowed two representatives in the House, but the latter was given the power (subject to the Governor's veto) to change the number of representatives, if the public need demanded.

Almost immediately, in 1692-93, a law was enacted allowing Boston to send four representatives to the House. No other change was made in the number of representatives allowed to each town throughout the entire provincial period. This special status accents the fact that, until the middle of the eighteenth century the influence of Boston, usually exercised by plutocratic merchants who controlled the town and influenced its deputies, was regarded with some suspicion by the country members. They feared the town's aristocratic tendencies; and it was only when the mechanic element came to the front, under the leadership of that past master in politics, Sam Adams, that the small farmer of the interior threw off his dread of the big town's influence.

In the absence of anything like party government with a responsible minister, the Speaker of the House became the dominant party leader in affairs; and he was chosen, not for his ability to administer parliamentary law, but because he was the leader of the majority. This extra-constitutional practice early led to much trouble; for the country party—the anti-Prerogative men—controlled the House. Towards the end the Speaker became more versed in parliamentary procedure; but he never ceased to be the leader of the dominant opposition in its struggle with the executive.

Important for the history of Massachusetts was the composition of the Assembly in our period. The majority was always made up of small farmers, containing an element that was bigoted, ignorant, exasperating and sometimes disingenuous; but they were strong, sturdy and able defenders of their rights as Englishmen, in which role they showed themselves able and vigorous antagonists. The members from the seaboard towns were men, for the most part, of larger outlook and broader education, usually chosen from the merchant or professional classes. In nearly every Assembly there was no lack of able leaders, who skillfully drew up the acts and memorials with which the Assembly fought Prerogative, as

embodied in the person of the Royal Governor. Governor Shute accused the Assemblies with whom he contended of being "more accustomed to the art of husbandry than that of legislation;" but these plain farmers showed an astonishing skill in organizing their forces in the Assembly and in paralyzing the measures urged by the Governor.

British Control (1717–1773)

Taken all in all, the Provincial Charter government, with some indispensable powers lodged in the Assembly, over against the veto power in the Royal Governor, created an impossible situation which was bound to be fraught with bitterness and controversy. The contest tended to widen the separation of the people of the Province from the Crown, and to make bad feeling on both sides. The whole of the period is characterized by bold encroachments, often unjustified and unlawful, made by the Lower House upon the Prerogative; and throughout the struggle, up to the latest crisis, the Assembly showed great skill and subtlety in its conflict with the governor, and a capacity to act with the abler minds among the members, who directed its efforts.

The Council, until the very end of the Provincial period, when all law and order were relaxing and the revolt of the lower classes swelling, was composed of conservative gentlemen, drawn for the most part from the merchant class, and upon the whole reasonably friendly to the influence and authority of the Crown, called the Prerogative. They formed a buffer between the Governors and the Assembly. In practice, in the earlier period they usually sided with the Governor, and had a common grievance with him in the attempts of the House to encroach upon their functions. In some matters, where they acted in conjunction with the House, the small number of Councillors gave the Assembly an overwhelming advantage, which it was not slow to use, or the Council to resent.

It must be admitted that in the frequent controversies the letter of the law was more often with the Royal Governor than with his opponents, whose bold acts, ignorance and sometimes disingenuous and doubtful methods can only be justified by that larger view, which acknowledges that the whole

spirit of the English race tends towards granting the individual the largest amount of personal liberty that is consonant with organized government.

The popular fallacy, that the British government was guilty of deliberate tyranny in its dealings with the Province of Massachusetts in the first half of the eighteenth century, must be disposed of here. The British government was often stupid and ignorant in its dealings with the colonies; but it always acted within the law as understood in England; and it never showed desire to play the role of a tyrant towards its North American dependencies, nor can its dealings with them be truthfully characterized as tyrannical. Colonial Empire was still an experiment in the modern world, and the English government was trying to do its best to solve a most difficult, perhaps already insoluble problem. It was handicapped by a natural desire to please the colonists who were considered Englishmen overseas; and to preserve their liberties. This led it to a weak and yielding policy upon the whole, which the colonial leaders mistook for cowardice. They thus grew bolder and more importunate in their demands, in which, from the first, they were always backed up by a large party in England. Up to the last moment before the Revolution, it is doubtful whether most of the leaders, while arousing the people with dreams of independence, thought that independence was necessary. They could not believe that the home government would ever fight, in view of the frequent concessions to the Colonists.

With these preliminaries in mind, we are ready to take up, somewhat in detail, the story, often unreasonable and petty, but always redeemed by the love of liberty that animated the people, of the struggle of the successive Massachusetts Assemblies with the Royal Governors. This struggle resolves itself into two parts, with an interval of comparative quiet between them. The first extended from the arrival of Governor Shute in 1717 until the accession of Governor Shirley in 1742. The second commenced with the arrival of Governor Bernard in 1760 and extended to the departure of Governor Hutchinson in 1774, when all civil government under the Crown practically ceased. In the interval, which comprised the governorship of Shirley and Pownall, the desperate struggle with France ab-

sorbed most of the Province's energies, and gave a breathing space to constitutional wrangles.

Governors Burgess and Shute (1715–1723)

Upon the removal of Governor Dudley in 1715, Colonel Burgess was appointed Governor by the Crown, but the intrigues of Jonathan Belcher and of Jeremiah Dummer, the provincial agent, succeeded in bringing about his resignation; and the appointment of Colonel Shute, a distinguished officer, who had fought under Marlborough, and who was a member of a noted dissenting family. This, it was thought, would be acceptable to the Province. This appointment seems to have been secured by the two Massachusetts men not only because Shute was a dissenter, but because they had succeeded in winning him over to their views regarding the private land bank, to which they were both strongly opposed. The financial side of the long controversy over paper money is elsewhere treated in this volume. The political and constitutional side is one of the unfortunate issues in the history of Massachusetts. In this state of affairs Massachusetts was divided into three parties with respect to the management of its finances. The smallest party, comprising the most intelligent and the best educated, desired a strictly hard money standard; they were few and powerless. Another and larger group comprising some of the more important merchants, desired to establish a private bank that should issue bills of credit to be secured by mortgages on real estate, which bills would have no fixed value as compared with gold and silver. The largest group desired the Province to emit bills of credit to those who would mortgage their estates to secure the repayment.

At the close of Dudley's administration the last two groups were about equally divided in the House, while the Council favored the last scheme as the lesser of two evils. It so happened that the Boston members and the popular leader, Elisha Cooke, belonged to the land bank party. In the struggles against the Prerogative, Cooke like his father, of the same name, took a leading part. He was a man of means and position, who chose the role of popular leader against the Crown. Consequently, the appointment of Shute, who had been won

over by the enemies of the land bank, exasperated them against the Governor and gave the Governor an unfortunate start,—especially since those in favor of the public issue had at length prevailed. This matter of paper money has large historical significance in the subsequent political history of the province; for the identification of Shute with the party opposed to the land bank secured him, from the outset, the hostility of the powerful Cooke and his followers. The lower and debtor classes, usually unsound in their views of financial matters, were all for paper money—lots of it; upon the whole, they preferred that it should be issued by the Province rather than by private enterprise. Hence the discussion of paper money was charged with dynamite for the new Governor.

Controversies with Shute (1716–1723)

Soon after his arrival, Shute found that the Assembly was attacking the Prerogative upon two points, one much more obvious than the other. According to the Charter, all timber of a certain size was reserved as masts for the royal navy; but the settlers in Maine, as well as certain capitalists in Boston, paid no attention to this right of the Crown, and were engaged in a hot fight with the royal Surveyor General at Shute's arrival. The Governor espoused the official side, and Cooke took up the cause of the Maine settlers. It appears that Shute had come over from England with elaborate instructions for the strengthening of the Prerogative, which boded ill for the peace of the Colony, in view of the temper of the House under the aggressive leadership of the younger Cooke. Shute, while no fool, was like most military men, stiff and unpliable; he rejected Cooke when chosen Councillor, thereby widening the breach with the House. Soon after, apparently in accord with his instructions, he caused a bill to be introduced for controlling the press, which the House refused to pass; and feeling ran high on both sides. The next year (1719) Shute vetoed the House's choice of Cooke as its Speaker and thereby raised a great stir as to whether, under the Charter, he possessed this veto power. In retaliation, Shute saw his salary grant reduced and his negotiations with the Eastern Indians negatived.

In 1721 the House elected its Speaker and sent Shute a message announcing the choice and that the Speaker was *"now sitting in the chair."* Both sides were aroused and the House obstinately refused to vote any salary or allowances to the Governor, thereby creating a desperate situation, as the Eastern Indians were attacking the frontier settlements of Maine, which were without adequate protection. Since neither side would yield, the Governor could do nothing but send an account of his trouble over the speakership to England and ask for instructions. Another quarrel arose because the House took it upon itself to adjourn without permission. At this point the House, realizing that it had gone too far, acknowledged that it did not possess the power of self-adjournment. On the other hand it strenuously denied the Governor's right to assemble the House outside of Boston, without its consent.

It would be wearisome to enumerate all the petty quarrels between Governor Shute and the Assemblies; but two other powers not conferred by the Charter were seized by the Assembly and were thereafter never fully relinquished. The Charter provided that money should be raised by the Lower House, to be disbursed by the Governor and Council. The Assembly now tried to direct how the money raised was to be expended by designating for what purposes it was to be used. Shute again protested, and again gave way. In addition, the House sought to control the military operations in Maine, by directing how the money raised for the war was to be employed. It took upon itself to direct the field commander, Colonel Walton, in a manner contrary to the orders of the Governor. It refused to vote any supplies for the war, until Colonel Walton was removed for not obeying the multiple commands. This was a clear usurpation of power on the part of the House, but poor Walton never received pay for his services and was finally removed altogether.

Breakdown of Shute (1721–1723)

The Crown upheld its Governor on the question of the Speakership and later issued an Explanatory Charter (1728), whereby the Governor was stated to have the power to negative the choice of Speaker and the sole power to adjourn the

House. Another act of aggression on the part of the Assembly just after the arrival of Shute mentioned above, was an act imposing duties, not only on West Indian goods and wines, but also upon English manufactures and a duty of tonnage on English ships, a very bold move. Shute at that time allowed himself to assent to this bill, but he received instructions thereafter to give all encouragement to English manufactures. Accordingly, when the bill came up the succeeding year, he refused his assent unless the duty on English vessels was left out. All that the House would agree to do was to alter the word English to European, which he refused to accept; and the House then sought, by rather questionable means, to make it appear that the Council concurred with them in this matter.

In 1723 Shute, utterly exasperated with the Assembly, which withstood him in all things both great and small, suddenly returned to England to lay the case before the Board of Trade, and if necessary before Parliament. The House, which had refused to vote Shute his proper salary or sufficient money to carry on the executive functions of the government, at a time when the Eastern Indians were ravaging the Maine settlements, readily voted substantial sums to the colonial agents in England to defend their cause.

Colonel Shute was a well meaning military man, without much tact or diplomacy in handling a free assembly. Upright and resolved to defend his master's rights, he succeeded in bringing on a hopeless impasse on all points, thus paralyzing the executive arm of the government. As an incident in these quarrels, the freedom of the press in Massachusetts was pretty firmly established; and the House had made some progress in acquiring the power of directing the expenditure of money voted. The struggle had shown conclusively that the money power legally vested in the House, gave it a tremendous advantage, which was used to good effect. Experience had demonstrated that the salary of a refractory Governor could be held up, in order to compel him to assent to popular measures; or else go without it and also lack the money necessary to run the executive branch of the government. When a Royal Governor was bound on one side by his instructions and on the other depended for his salary upon the good will of the House, his lot was indeed a hard one. Throughout these quarrels the

Council generally supported the Governor against the House, which had on all occasions sought to increase its own power at the expense of the smaller body. Among other usurpations was a vote that under the Charter, eight Councillors would make a quorum outside regular sessions; but that during sessions a majority of the whole twenty eight was necessary.

In apportioning the blame for this deadlock, it must be admitted that Shute was unyielding and undiplomatic in his relations with the Assembly; but also that the Assembly was trying and exasperating, and at times exceedingly obstinate, and wanting in financial sagacity. It is to the credit of the Home Government that it constantly tried to curb the evil of the unrestrained issue of bills of credit. It was not conducive to the good name of the Assembly, when asked by the Governor what steps it proposed to take to redeem the bills when they fell due, to answer that as the bills had been issued by a previous Assembly it felt no responsibility about them; and that, if it seemed best, it would repudiate them. Nor did it redound to the Assembly's financial sagacity, when it informed the Governor that the value of the bills depended not upon the promise to redeem, but on the fact that they were accepted as legal tender.

Governor Dummer (1723–1728)

Upon the departure of Governor Shute in 1723 Lieutenant Governor William Dummer, a native of Newbury and a member of an old and distinguished Massachusetts family, took his place. A short period of quiet succeeded the bitter strife that had marked Shute's five years' residence in the colony, the bitterest, says Hutchinson, since the Antinomian trouble in 1636. The Governor and the Assembly locked horns upon a great variety of matters, some important, others trivial. It would seem that either consciously or unconsciously the House had two objects in view: first to ascertain what its power actually was under the comparatively new charter; and second, to see how far the Home Government would permit encroachments upon the powers reserved. It now had to await the result of the complaints of the Governor and the effect of its own defense before the authorities in England.

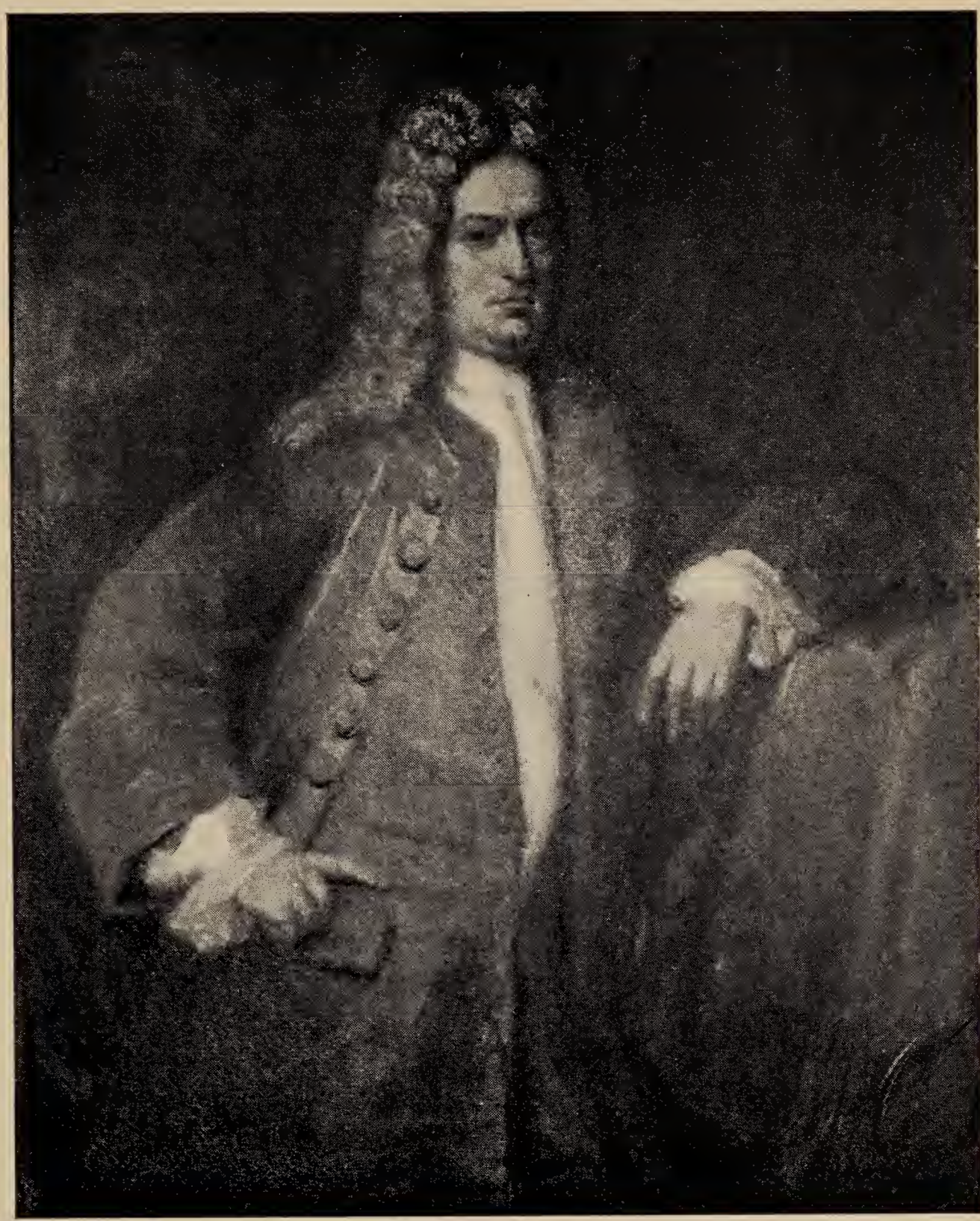
The result was soon known; for the British authorities condemned the stand taken by the Assembly, upheld the Governor and issued the Explanatory Charter above referred to. Yet the British Government took no active steps to enforce its own rulings; and the colony, especially the leaders of the opposition, quickly concluded that no Governor would be effectively supported from England. Hence they grew bolder and more resolute, especially since they had discovered the great advantage that the control of the money power gave them.

Although their "Memorials" and "Addresses" abounded in expressions of loyalty to the Crown, the Home Government had no illusions as to whither matters were tending. As early as 1716 a report to the Board of Trade contains the following prediction: "They will be able in a little while to live without Great Britain, and their ability, *joined to their inclination,* will be of very ill consequence."

A few years later at the time of the troubles of Governor Burnet (1729) the Board expressed its disapprobation at "The repeated attempts the Assemblies of this province have made towards the shaking off of their dependence to the Crown and their dependence to their mother country." Nevertheless the Home Government was groping for a solution and anxious not to infringe upon the liberties of the Colonists as British subjects; hence it let things drift until too late to stem the rising tide of independence.

The House, after the departure of Governor Shute, although it was supposed under the Charter in such a case to vote half the usual salary to the Governor and half to the Lieutenant Governor, made no provision for either. It further tried to interfere with the conduct of military operations by pushing the demand for the removal of Colonel Walton, who had been called by the House from his command at the front to answer its charges against him. Dummer, anxious as he was to avoid controversy, gave it to be understood that as Comamnder-in-Chief he could not tolerate such an encroachment upon his undoubted rights. He demanded that he be addressed properly, which was at once done. Still the members persisted in their attack upon Walton, until they compelled him to resign.

The issues of paper money now caused trouble, as the instructions from England forbade the issuance of further bills



From the portrait in the Mansion House, Dummer Academy, South Byfield

WILLIAM DUMMER

of credit except for the necessary support of the Government, and then not in excess of £30,000. The House, notwithstanding this direction attempted to authorize the issue of £50,000 in bills of credit, which the Lieutenant Governor properly refused to allow without a suspending clause. He at length permitted an issue for the support of the government, but no salaries were voted. The period during which Dummer exercised authority, while on the whole quiet, was marked by a resolute consolidation of the powers assumed by the House during the administration of Governor Shute, and a strengthening of the Assembly's control of the purse.

A slight incident during Dummer's administration showed how, under the new charter, with its fuller franchise, the political power of the old theocracy had utterly passed away. This result is the best answer to those persons who maintain that the government under the old Charter of 1628 represented the will of the great mass of the people. In 1725 the Congregational clergy proposed a synod in the good old style. Though this proposition was approved by the Lieutenant Governor and the Council, it was at first disapproved by the Assembly. The acceptance of this synod gave offence in England, where the pretensions of the Congregational clergy were not popular; hence Dummer received an instruction to stop the whole business. Thus finally ended the last attempt of the Massachusetts clergy to hold a synod.

Governor Burnet (1728–1729)

Shute's intention had been to return from England with increased powers; but the death of George I in 1727 put an end to his plans and a new Governor was appointed. William Burnet was a son of the famous Whig Bishop of Salisbury and a godson of William of Orange. His family and his Whig connections were calculated to make him popular in Massachusetts; and he had been a successful governor of New York and New Jersey. He was a man of amiable disposition, polished manners and witty conversation, a man well calculated to make a good impression upon the gentry of the Province; but he fared no better than his predecessor. The Home Government realized, at last, that the crux of the situation lay in

the question of the governor's salary. Hence Burnet had strict instructions to insist upon the General Court settling a fixed salary of £1,000 per annum upon the Royal Governor. This he insistently demanded and the House as obstinately refused; the whole of his short administration was taken up with a long wrangle upon this point, as neither would give way.

The Assembly realized that its power depended largely upon keeping control of the governor's salary and flatly refused to obey the injunctions from overseas. An attempt was made to bribe Burnet into acquiescense by offering him £1,700 at one time, an offer raised at last to £6,000. True to his instructions, he resolutely refused to be tempted, and the House would not recede from its resolution not to grant a fixed salary. It even declined to listen to the suggestion of the Council to vote a fixed salary for his term of office; and a deadlock was reached. It appears that the Home Government was beginning to give way before the resolute front of this Assembly of small farmers, inasmuch as secret instructions were sent to the Governor permitting him to accept the grant, provided a fixed salary was also settled on him for the remaining term of his administration.

Before he had reached the point of proposing this alternative, he died from a cause which sheds light on the primitive conditions of travel at that time. He caught a chill when his coach was overset into the water, while coming from Cambridge: his demise was doubtless hastened by his vexation with the Assembly. The result of the controversy was to strengthen the control of the Assembly over the money power; it paved its way to a final victory in the next administration.

During Burnet's brief rule several minor controversies arose over the right of the Governor to call the House to assemble outside of Boston. He was anxious to get them out of the atmosphere of that town, which was bitterly hostile to him. When Burnet removed the House to Salem, he wittily remarked that he had deliberated as to whether he should convene the General Court at Concord or Salem.

Considerable complaint was also made over his increase of the fees charged on the clearance of shipping. While this was an innovation, it was not unlawful, and the Governor simply followed the custom and legal practice in New York. His

lack of salary was ample justification for seeking a way out of a legal fight. The House was steadily fighting the salary question through colonial agents in England; and, in this instance, the Council refused at first to support the House in its contention and refused to authorize the payment of the agents. At last a compromise was reached. After his death the Assembly voted him a splendid funeral, and after many years paid his widow some of the salary due him.

Governor Belcher (1730–1741)

The sudden death of Governor Burnet left Dummer in charge as Lieutenant Governor once more; but in that office he was soon succeeded by William Tailer. As usual, the interval between the death of Burnet and the appointment of his successor was one of comparative quiet, the Lieutenant Governor merely insisting upon a fixed salary, in accordance with the Royal instructions, which the House as usual refused.

The ministry now determined upon a new course, the appointment of a native of the Province and a member of the opposition as the next Royal Governor. Jonathan Belcher, a man of pleasing manners and good education, supplemented by foreign travel, was the son of a wealthy Boston merchant. He was pliant by nature, somewhat of a timeserver and very selfish. His ruling passion was a love of personal prestige and a desire for office to gratify his vanity. Starting in political life as a Prerogative man, he soon joined the opposition for the purpose of increasing his importance among his fellow citizens, and became a leader of that hotbed of democracy, the Boston Town Meeting. In the House he was active in the opposition to Governor Burnet; and at the death of Burnet he was in England as one of the House's two agents to justify their course before the Board of Trade.

He was fired with a desire for the chief magistracy of his native province, purely from personal vanity, for as he well knew, the post was no bed of roses for the man who had the misfortune to occupy it. Accordingly, from being one of the opposition, he suddenly veered around, became a strong upholder of the Prerogative and made great promises of what he would accomplish if given the office. Yet upon his arrival in

Boston in 1730, he fared no better than his predecessors and his term of office, lasting over ten years (1730–1741), was marked by bitter quarrels between the Assembly and the Governor.

Three major points of controversy besides a number of minor ones mark his tenure of office: the quarrel over the salary, in which the House won a marked victory; the controversy over the House's attempt to audit and direct the expenditure of money granted, with the incidental disagreement over the province defenses; and the question of paper money. Besides these came wrangles over the Land Bank; the Assembly's control of the province Agent; the House's attempt to enlarge the members' salaries; the disapproval of the Speaker; and the attempt of the House to appoint committees to function outside of sessions. Belcher was a shrewd politician and by the introduction of the spoils system and the appointment to office of some of the chief leaders of the Country party, he succeeded in abating their zeal for liberty; the lovers of freedom were edified by seeing that sturdy patriot, Elisha Cooke, become suddenly tamed by an appointment to a judgeship.

Financial Issues (1730–1741)

The wrangle over the fixed salary went on until Belcher, anxious for his money, succeeded in getting his instructions so modified as to permit him to accept the annual grants made; and so the House virtually won the long wrangle over the Governor's salary. It is interesting that the Governor, being paid in the depreciated bills, never received the full salary due him; and the House distinctly declared that while voting him a sum approximating £1,000 sterling, it had no intention of complying with the instructions from England.

During Shute's administration the House had begun to designate the purposes for which money raised was to be used; and also to audit public expenditures, claiming that the clause in the Charter authorizing it to raise money for carrying on the government gave this right, although the Charter provided that money was to be expended by the Governor "by and with the advice and consent of the Council." In accordance with his instructions Belcher endeavored to check this inroad upon

the Prerogative, with the result that, as the Assembly would vote no money except for purposes designated by it, and as the Governor consistently vetoed these bills, the Province treasury remained empty. There were no funds to provide for the upkeep of the military forces or the fortifications, a very necessary expense, although for the moment the Province was enjoying comparative quiet as regarded Indian aggressions. Notwithstanding the peace between England and France, there was no telling when war might break out again. During this controversy the House laid down the rule that the Charter, (as it chose to interpret it) had precedence of authority over all royal instructions. The Home Government disallowed this interpretation; and at length supplies were voted; but the wrangle recommenced with the new Assembly, which had no intention of abandoning its stand. When Belcher went out of office in 1741 the problem was still unsolved. In this controversy the Council was inclined, as was usual, to agree with the House.

Paper Money Controversy (1740–1742)

The Governor's instruction against unlimited emission of paper money, a thoroughly reasonable instruction, also caused much bitterness. The year 1741 was approaching, when many of the old bills would come due. Therefore in 1740 the British Government tightened up the former instruction, by forbidding even the issue, without a suspension clause, of £30,000 to carry on the necessary expenses of government. The House was determined to authorize a new issue of bills for £50,000. Upon this question the Governor had the support of the Council, all men of property. As was natural, the value of the bills rapidly depreciated, to the great detriment of sound currency. As the majority of the lower and debtor classes were in favor of the depreciated paper money, the efforts of the Home Government in behalf of sound finance, and to prevent a further depreciation of almost worthless bills, caused a deep and lasting resentment; and another grievance against English tyranny was stored up by the masses.

Despairing of being able to secure an emission of bills of credit by the Province, the land bank scheme was revived upon

the personal credit of nearly 800 persons, most of whom were men of mean estate. The Governor, not only as a representative of the Crown, but also as a conservative Boston merchant, violently opposed the land bank, and thereby incurred the enmity of some considerable persons, who favored the scheme. Intrigues were set on foot in England, which in their crooked and downright dishonesty would be hard to equal, as a result of which the Governor's friends in London were alienated from him and his removal was secured. The authorities at home, doubtless urged on by the London merchants who had accounts owing in the Province, brought the matter of the Land Bank to the attention of Parliament; and an act was passed extending the "Bubble Act" to the Colonies and declaring that it had always applied to them. In this way the dissolution of the famous Land Bank was forced, and many of its promoters were ruined, among them the elder Samuel Adams, whose son became filled with deep and lasting hatred of England.

The action of Parliament, while justified by all laws of sound finance was an exceedingly unwise interference with local affairs, and the *ex post facto* declaration was most unjust. This act, however laudable in its intention, engendered a deep and lasting resentment among the poorer sort against English interference, and was another and important element in the rising estrangement between Massachusetts and the mother country. So high did the feeling of resentment run that an armed rebellion was at one time feared by the authorities.

Effect of the French Wars (1741–1760)

The period of twenty years between the appointment of Governor Shirley and that of Sir Francis Bernard (1741-1760) was momentous in the development of the country; for in it those forces germinated which caused the final controversy that separated the colonies from the mother country. Yet those years were singularly peaceful in Massachusetts so far as the relations of the Royal Governors and the Assemblies were concerned. Nevertheless when England and France at last locked themselves in a final struggle for the domination of North America, Massachusetts, as well as the other Colo-

nies, made such strides in internal development and material advancement, as to render it more impatient than ever of external control. Yet this was just at the moment when the mother country, for very obvious and far from unjust reasons, sought to reassert her long neglected control.

Hitherto the great world struggle for commercial empire between France and England had been carried on, so far as America was concerned, by the people of New France and those of New England in a very local and inefficient manner. Up to this time England had given little or no direct aid to her New England children in their land wars with New France, which had been fought largely by the Massachusetts frontiersmen, aided by the local militia. With the ambitious designs of France for cutting off the English from the West, which the French had begun to penetrate, the war assumed a continental aspect which brought the Colonies into closer relations, and tended to create a feeling of new and common nationality, apart from that of race, and founded upon a community of interest. The conquest of the French possessions, removing the dread of France from the frontiers, gave a great impulse to the desire of the Colonies for independence, and urged on the spirit of national expression. At the same time the great efforts made by England in the war brought the colonials in closer contact with the English armies than ever before, and made them conscious of the differences in view point that a century and a half had brought about between the two branches of the race.

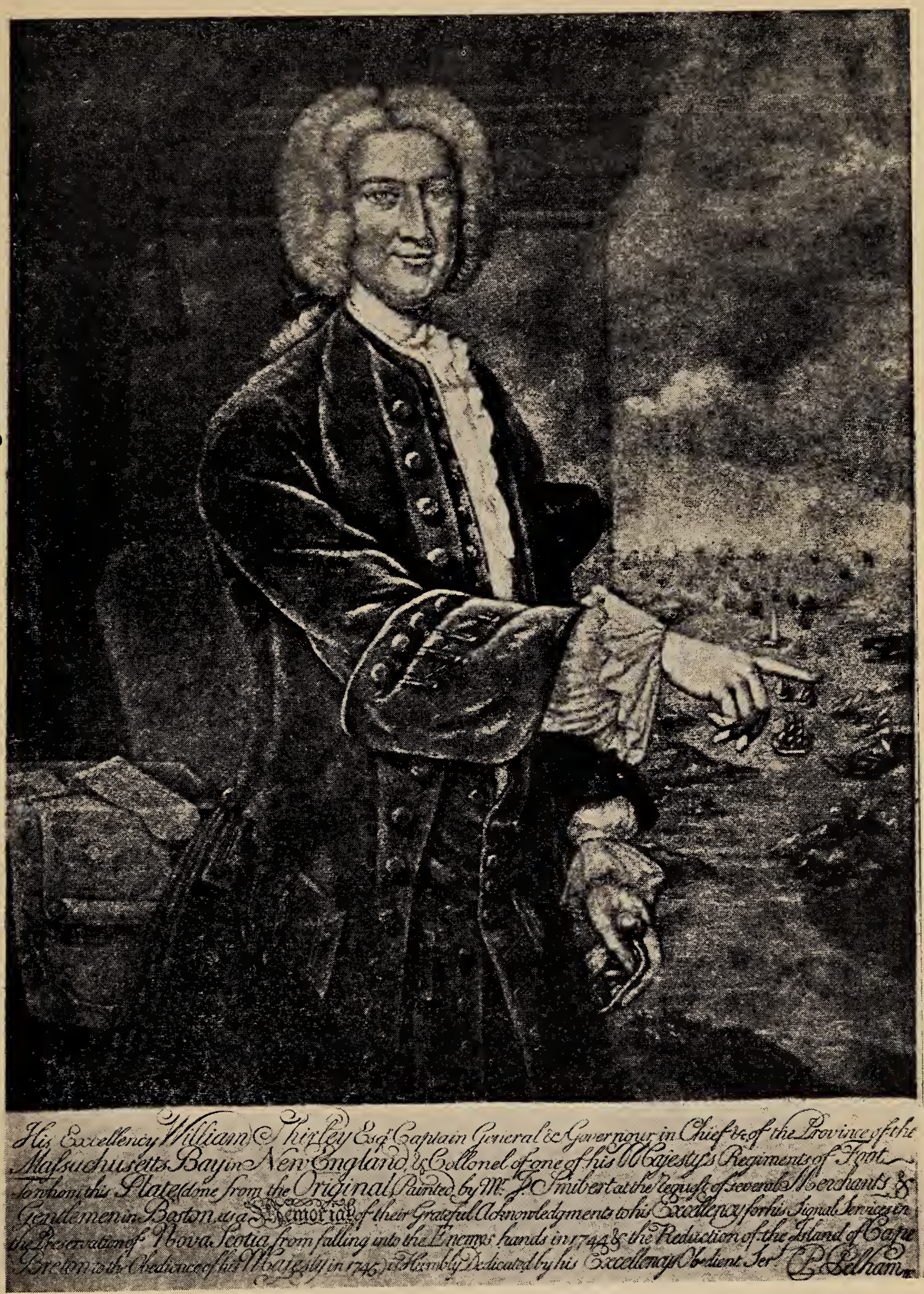
Governor Shirley (1741–1757)

The new Governor, William Shirley, was an English lawyer of an old Sussex family, but of small fortune, who had been settled for some years in Boston. He was ambitious, tactful and greatly interested in the struggle for the Anglo-Saxon domination of North America. He has often been belittled, but his long administration, free from the bitter controversies of his predecessors, shows him to have been tactful and sagacious in his dealings with the Province. To be sure much of the contentious energy was absorbed by the contest with the French; but it was Shirley who succeeded in inspiring the people and the Assembly with zeal for the war and confidence

in himself. Therefore until the end he remained exceedingly popular in the Province. There is no doubt that Shirley's great interest was the war: in constitutional matters he followed a well defined policy of avoiding trouble with the legislature, even at the expense of the Prerogative. Hence his long administration was marked by gradual encroachments by the Assembly and by the consolidation of its gains in the matter of self-government. As a result of this policy, Shirley secured popular approbation, and was able to win the Assembly over to vote supplies for the famous Louisbourg expedition of 1745, the successful result of which greatly enhanced his influence.

Nevertheless, some disagreements arose, but the personality of the governor did much towards minimizing the harmful results. At the beginning of his administration the dispute was revived over the old salary question; and it ended by the governor's acceptance of the salary voted. Some attempt was made on his part to cause the Assembly to take into consideration the depreciation in the currency when voting his salary; but these differences were slight and did not embitter his relations with the House.

The old dispute about the issuance of paper money arose early in his administration; but the politic governor avoided battle by violating his instructions and allowing an issue of £36,000 (with the suspension clause removed) on the ground of the public needs in the new war. He succeeded in getting the Home Government to allow future emissions on grounds of military necessity. It should be noted that after the capture of Louisbourg (1758) the currency dispute was allayed by establishing a silver standard and the calling in of the old bills. This was made possible through generous reimbursement of the Province, by the mother country, for the expenses of the Louisbourg expedition, for which Parliament granted Massachusetts £180,000 cash. Henceforth, the finances of the Province were upon a solid basis, in marked superiority in this respect over her sister colonies. The reorganization of the finances was largely due to the efforts of the Speaker of the House, Thomas Hutchinson.



From the Pelham Club engraving in the private collection of John H. Edmunds, Esq.

WILLIAM SHIRLEY

Question of Representation (1741–1757)

One other minor source of trouble arose out of the admission of new towns. It had always been the custom to allow two representatives to each town admitted. At this time the colony was rapidly developing and the Crown was alarmed by the admission of new towns with the resultant addition of weight to the Assembly, to the detriment of the power of the Governor and Council. Hence Shirley boldly vetoed the admission of several towns. This executive interposition, which with a less popular governor would have raised a fierce storm, was effected without much trouble; thereafter the Governor, who had the Council behind him, admitted several new towns without any right of representation.

In spite of all this tactfulness and avoidance of trouble Shirley had his difficulties, for in 1750 we find him writing to Newcastle, then English Prime Minister, as follows: "Experience of the bad influence, which the mobbish factious Spirit of the Town of Boston occasion'd by all points being carried by the Populace at their Town Meetings, have ever had upon other Towns in the government and upon their own Members, which are generally leading men in the Assembly, is the reason of this Alteration being propos'd." It is evident that the social revolution of the poorer classes against the merchant oligarchy, as well as against the government, was already begun. However unpopular Boston might have been with the country members, its representatives on account of the importance of their town, were wielding great influence in the House.

Governor Pownall (1757–1760)

Shirley's military ambitions caused him to accept the post of "Commander in Chief of the English Armies in North America" for which he was unfitted in spite of his great services as an originator of large plans. The eventual result was his recall in 1757. Thomas Pownall, an English gentleman, who had spent much time in America and who understood its problems and its people, was appointed Governor in 1757. His administration was essentially a continuation

of that of Shirley and he left the Province in 1760 with the best wishes of the Assembly.

The only important constitutional question raised during this time, arose from the demand of the Earl of Loudon for quarters for his troops, upon the ground that the Act of Parliament authorizing such quartering, extended to the colonies. This construction was denied by the House, though in a time of public peril it could hardly dispute the need. Accordingly a provincial act was passed authorizing the quartering of troops, upon the theory that the Act of Parliamen did not extend to Massachusetts.

No doubt during and at the close of Pownall's administration the Province was in a generally good condition. The war was a period of great expansion and large increase in wealth in spite of the great expense of the campaign. The cost of the war in the end was borne largely by the British tax payers. Notwithstanding the losses of men and money, the finances of the Province were at last on a sound basis, while the people enjoyed a larger degree of personal liberty than did those of England itself. Nevertheless, the new conditions, the new born consciousness of American nationality, the impatience at the restraint of such powers as the Crown still retained, and the aggressive spirit that had won victory after victory against the Prerogative, together with the memories of the old disputes, all these combined to urge the people to demand a complete independence. Above all, the social revolt of the lower classes against the controlling plutocracy filled the masses with a spirit of unrest. The social revolt against the propertied class became merged with the political one against the Crown. The Colony was approaching the last stage of English rule in America.

Rise of American Spirit (1760–1774)

One of the things that most sharply strikes the historian in the "Memorials" and "Resolves" of the next period in the development of Massachusetts is the more mature, dignified and parliamentary tone that pervades their composition, as compared with the Assembly's utterances in the time of Belcher. The change marks the coming of the people to their

maturity. It is true that the documents were largely composed or inspired by a trained lawyer, the younger Otis. The proof that the public mind was maturing is brought out by the fact that the Province now was provided with a body of trained lawyers; and that their influence in the affairs of the House was great. It must be remembered also that the House now represented and reflected the more solid portion of the community of the middle class; so that throughout the struggle that was about to commence, they fought along parliamentary and constitutional lines.

Another and less respectable element was now becoming articulate in public affairs, namely the lower class, many of them without the provincial franchise. They voiced their will especially in the Boston Town Meeting; and they found a leader in that born political genius, Samuel Adams. An austere and personally honest man, devoid of practical business ability, save in the field of political organization, Adams was subject to violent personal animosities and was embittered by his failure in life prior to his entry into politics. As an organizer of a political machine he has had few equals. It is not unfair to call him the "first boss of American politics." Whatever his deficiencies in statesmanship, in the higher sense of the word, of broad farseeing views he is the most striking figure on the popular side in the ante-Revolutionary epoch, and had more influence than any other man in bringing on the crisis of the Revolution in Massachusetts. Alongside the longdrawn constitutional movement for greater freedom rose an extra-legal revolt against social conditions.

Just at this moment the British Government decided to assert more influence in colonial affairs than had hitherto been thought expedient. Their point of view was general and imperial, and so came into conflict with the local development that had been going on in various British colonies. The colonies, in spite of their war debt, were prosperous; and it seemed only fair that they should take over, from the already heavily burdened British tax payer, some portion of the debt incurred in a war waged largely on their behalf. Even though these contributions were to be devoted only to purely American expenditures of defense, this policy was highly indiscreet. It collided

with the state of public opinion in the Colonies, flushed with military triumph over their old enemies, the French, and bursting with a sense of their own importance, due to their great development and general prosperity. Thus the stage was set for a highly exciting drama; but it must be remembered throughout the constitutional contest thus begun that the acts of the British Government, however unwise or inexpedient, were usually strictly legal in the constitutional doctrine which had been held in England for a century.

Governor Bernard (1760–1769)

The new Governor, Sir Francis Bernard, an Englishman of family, who had had a successful career as Governor of New Jersey, was a good type of colonial official. Pleasant and polished in his manner, and easygoing by disposition, his chief desire was to get along in peace and make enough money to support his large family. He was, however, a man of very moderate capacity, utterly unable to deal with the tremendous problems facing him. He had in his nature an unfortunate streak of contentious obstinacy when crossed, which prevented him from taking any broad views of a question. He had likewise a streak of cowardice that caused him to run from great difficulties rather than grapple with them. In view of subsequent developments, there is irony in the words that he wrote on his appointment: "As for the people, I am assured that I may depend upon a quiet and easy administration. I shall have no points of government to dispute about, no schemes of self-interest to pursue." It was upon such a man that the task fell of reasserting the rights of the Prerogative that had been long lost and of stemming the most determined effort yet made in America to wring from the Crown whatever colonial authority was still left it.

Trouble loomed from the first. Parliament, under the pressure of the West Indian lobby, had reenacted the Sugar Act in 1764; and steps were taken to enforce it, after many years of neglect, during which a system had been developed under which the merchants evaded the duty on molasses (the vital import of the colony) by bribes to Customs Officials.

The enforcement of this act at once aroused the antagonism of the merchant oligarchy, where the principal strength of the Crown lay; and caused them to join forces for the time being with the opposition.

The first trouble was not a great one, but it gave Bernard a bad start. A bill of the House authorized the Provincial Treasurer to bring action against a Customs Official for fines due the Province on smuggled molasses. Bernard opposed the bill on the ground that the Attorney General should bring it, but he soon gave way. The suit was brought before the new Chief Justice, Thomas Hutchinson, who was also Lieutenent Governor and a strong Prerogative man. The case was decided against the Province; again the decision by the Chief Justice was on sound legal reasoning; but it caused bad blood, as did the allowance of the writs of assistance for general search, issued to customs officials in 1761, in opposing which Otis made his great name.

Next the Governor aroused the opposition of the House by expending money for military purposes without consulting it, which caused a remonstrance against this usurpation of "their most darling Privilege," although, as we have seen, it was their predecessors in Shute's time, who had usurped the right of directing the expenditure of the Province money. As yet the House acknowledged its subordination to an Act of Parliament. As late as June 27, 1761, it could still write to the Governor that "every act made by the general court or assembly of this province is voidable, because the same may be disallowed by his majesty. Every act we make, repugnant to an act of parliament extending to the plantations is *ipso facto* null and void."

Soon a more menacing tone appears and in a joint address of both Houses to the Crown, the Assembly demanded that the word "rights" be substituted for "privileges"; a compromise was reached by using the word "liberties." When rumors that a stamp tax was contemplated reached the House, it drew up a memorial for the Home Government, boldly denying the right of the English Parliament to tax the Province. A debate of the limits of the Parliament's authority then began. It should be noted that at this time the House first began to instruct the Colonial Agent, without consulting either the

Governor or the Council. Its language grew always more independent and it began to refer to itself as a "Parliament."

The Stamp Act Crisis (1765–1766)

When news of the passage of the Stamp Act (elsewhere described) arrived, in the summer of 1765, Governor Bernard irritated the angry Assembly by urging "respectful submission." Considering the tumult caused among the people by the Act, the House drew up a remarkably temperate memorial, addressed to the Assemblies of the other Colonies, the first time that such an intercolonial step was taken. Still bolder, the House advocated the calling of a general convention to consider the situation and to present an address to the Crown for relief.

The conduct of the House on this momentous occasion was singularly restrained and in striking contrast with that of the Boston mob, which under the manipulation of the agitators broke out into acts of outrageous lawlessness and terrorism against the supporters of the Prerogative and their property.

At the next meeting of the Assembly the Governor admitted the situation was beyond him, and asked the assistance of the House,—law and order in the town being at an end, and the Executive powerless to enforce not only the Stamp Act but all law. Boston was in the possession of a carefully manipulated mob. The House in its reply pointed out that the authority of Parliament over them was limited (a very different attitude from that of 1761); and begged to be excused from assisting in any way the execution of the Act. It also adopted a resolution that the imposition of taxes, by any power but the General Court, violated the people's rights as "men and British subjects;" and also voted that the Governor in paying certain military expenses, without its consent, had been guilty of "an High infraction of the Rights of the House." The poor Governor, as he himself says, found himself detested for having to enforce an Act with which he had nothing to do and for which he was not to blame. The House also informed him that its prorogation by him at this time amounted to "an undue Exercise of the Prerogative."

The English ministry, which understood the situation but

imperfectly, was astounded by the storm that had been raised, and promptly repealed the Act (1766) in an endeavor to conciliate American opinion, as Bernard had advised; but the House expressed strong resentment against him because he had urged the repeal as a concession and not as a right. For the moment, in spite of bad feeling between the House and the Governor, there was an interval of quiet. The recent riots in Boston alarmed the merchants, while the reduction of the molasses duty removed their great irritation at the interference with trade. The result was that their temporary alliance with the lower, lawless classes ended for the time being. Sam Adams had to work alone in keeping the Boston Town Meeting up to the requisite pitch of resentment.

End of the Bernard Regime (1767–1769)

It might have been expected that the unhappy Governor would now have some respite of quiet, but the Assembly still pushed its quarrel with him. The session of 1766 was a stormy one and commenced with a wrangle over the choice of Councillors, the House dropping Hutchinson and the Governor vetoing Otis. Long wrangles followed over the compensation of the riot victims and the reductions at the fortresses. The next year the House ungraciously granted the desired compensation on condition of pardon for the rioters. Matters were made worse by the reckless passage of the Townshend Act in England (1767), imposing duties on glass, lead, tea and painter's colors, on the theory that Parliament could impose external, but not internal taxes. This assertion of imperial authority once more stirred up the merchants and caused them to draw closer to the radicals. The House had also refused at the request of the Crown, to retract the circular sent to the other colonies; and the Coucil, which had hitherto usually been conservative, now passed into the control of the opposition.

The last two years of Bernard's residence in Boston were one long wrangle with the House, in which increasingly independent and menacing language was used; while the Governor's replies resemble those of a distracted old woman. He was convinced of the need of troops to keep order, but feared

to take the responsibility of asking for them until they were finally sent in 1768 by order of the Government in England. The Governor's refusal to convene the House brought about an unofficial convention of its members, who remained in Boston until the troops arrived.

In 1769 both Houses were in the hands of the opposition and Bernard's letters to England condemning the course of the House and advising a change in the Charter to permit the Crown to appoint the Council led the House to request, or rather demand, his recall. The entire session was one continuous wrangle, in the course of which the House spent its time abusing Bernard, denying the power of Parliament, condemning its statutes and abusing the Ministry. In midsummer of 1769 the frightened and exasperated Governor, who had received no adequate support from England, at last had his wish and embarked for home, leaving the distracted government in the hands of the aged Lieutenant Governor, Thomas Hutchinson. This last of the civil Royal Governors ascended the ancient seat in the Province House in 1769.

Lieutenant Governor Hutchinson (1769–1771)

It is always fitting that the last of an ancient regime should be a brave and honorable figure; and the last Royal Governor of Massachusetts possessed the requisite qualities to an eminent degree. He was a member of one of the oldest and most important families in the Province, a graduate of Harvard in 1727, and a travelled, widely read and cultivated gentleman. He had gone through a long training in public life; he had been a selectman of Boston, a member of the Assembly, of which he was Speaker in the stirring days of Governor Shirley, a member of the Council, Lieutenant Governor and Chief Justice. Before his career ended he became the appointed Governor.

Hutchinson was of scholarly habits, his learning in the law, although not bred to the bar, was highly respectable; and he has left behind him the best contemporary history of his native Province, one which, considering the prominent part he took in these events, is singularly free from bias.

He was an honorable, conservative gentleman; but a strong upholder of the Prerogative and as such had suffered at the

hands of the Boston mob in the days of the Stamp Act in 1765. His love of his native Province fully equalled that of his great opponent, Sam Adams. As a financier he was easily the foremost man in Massachusetts. His faults were: too great a devotion to the letter of the law, and an inability to grasp the wider and deeper signification of the events in which he played so prominent a part. In the end he left his native land an old heartbroken exile, who never ceased to adore his country until he drew his last breath far over the ocean. It is time that Massachusetts did justice to his memory.

Political Questions (1769–1770)

This is the place for a brief view of the political situation in 1769. Great strides had been made in constitutional progress during the governorship of Sir Francis Bernard. The old questions that had agitated the Assemblies of Shute and Belcher as to what powers belonged to the Assembly were left behind. They were merged in the question of what were the rights of Parliament—how far did that body have jurisdiction over the Colonies? However, in the later part of 1769, the Prerogative was in a stronger position than ever before. The partial repeal of the Townshend Acts caused a large part of the merchant aristocracy to swing back towards the Crown, as the protector of property from the restless Boston mob. As yet, the great mass of the people, while exasperated, were not ready for open resistance; only the less responsible element in the Town of Boston had reached that stage; and five more years of turmoil and political upheaval were needed to bring the great body of the people to their state of mind. No great grievances existed, outside the harassing presence of the troops; and Sam Adams had a busy winter to keep things going, by inflammatory articles in the *Boston Gazette* and by stirring up the populace against the soldiers. The ill feeling culminated in the so called "Boston Massacre" (March 1770—elsewhere described); and the spirit of discontent was kept alive until the meeting of the Assembly shortly after that event.

The position of Hutchinson in his dealings with the Assembly is very simple. As a lawyer and a constitutional statesman

he never doubted the supremacy of Parliament. As a loyal son of Massachusetts, it was his wish that that supremacy, once acknowledged, should remain unexercised. It was his tragedy that he was called upon, when an old man, to choose between his duty as a magistrate and a lawyer and his natural sympathies. He chose to abide by the letter of the law. In an address to the Assembly, soon after he assumed power, he thus stated his position: "You will always endeavor, in vain, to move me to give up to you any part of the Prerogative of the Crown; I will never make any encroachment upon the Rights of the People."

The General Court that had been prorogued by Bernard met at Cambridge, March 15, 1770; they protested strongly against being called together outside of Boston, raising the old argument that this was in violation of the Charter; and expatiated upon the "outrages" of the troops, demanding that the Governor remove them. Hutchinson pointed out that the removal of the soldiers was beyond his power; and showed that it was within the power of the Crown to instruct the Governor as to the place for the meeting of the Assembly. The New General Court in May 1770 reiterated their position as to the inability of the Governor to convene it in Cambridge and would do no business. On being reconvened in July it protested against the placing of Castle William in the hands of the King's troops. The Lieutenant Governor showed his instructions and pointed out that his authority, as Commander-in-Chief, had not been lessened thereby, as the House feared. A minor dispute, which is significant as showing how far the House had gone in asserting independence, was raised at this time over the form used by the House in enacting laws, which were described as "enacted by the Governor, Council and House of Representatives," to which were now added the words, "in general Court Assembled," after the manner of Parliamentary enactments.

Governor Thomas Hutchinson (1771–1773)

When the aged Hutchinson, much against his will, was made Governor, in the spring of 1771, the House violently opposed the new course of the Governor's receiving his salary from England. At once, with a promptness never hitherto

seen, they voted his salary and demanded that he refuse the salary from over seas, a demand with which he refused to comply. All these controversies were comparatively mild as compared to the disputes with Bernard. In the absence of any great grievance, the radicals had hard work to keep up their agitation. The years of 1772 and 1773 were periods of comparative quiet, as a result of the tactful administration of the aged Governor.

At this time John Hancock, who had become the mainstay of the radicals among the upper classes, left their camp for a while. Upon the House again pointing out the inconvenience of meeting at Cambridge, the Governor instantly removed it to Boston, because removal had not been demanded as a right. The next important dispute arose over the payment of the salary of the judges by the Crown. The radical organization was put in motion to coerce the justices into submission through fear of violence, and all gave way except the old Chief Justice, Peter Oliver. The House attempted to impeach him before the Governor and Council. Upon Hutchinson's pointing out that the proper procedure was through the courts, Sam Adams still persisted in the proceedings before the Council, stating that the absent Governor was "presumed to be present." This matter was still pending when Hutchinson departed.

In 1773 the House, under the leadership of Adams, adopted a resolution looking to a union of all the colonies; the distribution of the Virginia resolves to all the Speakers of Colonial Assemblies; and the creation of standing "committees of correspondence" to act between sessions. It is hard to see how the last resolution could be squared with strict parliamentary law, as it implied delegation of powers from only one chamber, and also a delegation of authority to be exercised after the delegating power had lapsed; but it may be justified as the result of overwhelming public necessity. The episode of the Hutchinson letters and the eventual retirement of the Governor to England are related in another chapter of this volume.

SELECT BIBLIOGRAPHY

ADAMS, JAMES TRUSLOW.—*Revolutionary New England* (Boston, Atlantic Monthly Press, 1923)—Antipathetic to the Puritan influence. An excellent history.

ANDREWS, CHARLES MCLEAN.—*Colonial Self-Government in America 1652-1689* (N. Y., Harper, 1904)—Excellent on English control of the Colonies.

BANCROFT, GEORGE.—*History of the United States; author's last revision* (6 vols., N. Y., Appleton, 1887).—Vol. II.

BARRINGTON, WILLIAM WILDMAN BARRINGTON, *2nd viscount* AND BERNARD, *Sir* FRANCIS.—*The Barrington-Bernard Correspondence and Illustrative Matter, 1760-1770, drawn from the "Papers of Sir Francis Bernard"* (Harvard Historical Studies, Vol. XVII, Cambridge, 1912).—Edited by Edward Channing and A. C. Coolidge.

BARRY, JOHN STETSON.—*History of Massachusetts* (3 vols., Boston, Phillips, Sampson, 1855-1857,—Volume II deals with the Provincial Period.

BURNS, JOHN F.—*Controversies between Royal Governors and their Assemblies in Northern American Colonies* (Boston, Wright & Potter Printing Co., 1923)—Covers the period 1688-1783.

CHANNING, EDWARD, HART, A. B. AND JACKSON, FREDERICK TURNER.—*Guide to the Study and Reading of American History* (Boston, Ginn, 1912)—See pp. 285-287.

CUSHING, HARRY A.—*History of the Transition from Provincial to Commonwealth Government in Massachusetts* (Columbia Studies in History, Economics and Public Law, Vol. VII, No. 1, N. Y., 1896).

DOUGLAS, CHARLES HENRY JAMES.—*Financial History of Massachusetts, from the Origination of Massachusetts Bay Colony to the American Revolution* (Columbia Studies in History, Economics and Public Law, Vol. I, N. Y., 1892).

ELLIS, GEORGE E.—"The Royal Governors" (JUSTIN WINSOR, *Memorial History of Boston,* 4 vols., Boston, Osgood, 1882-1886)—See Vol. II, pp. 27-92.

FISKE, JOHN.—*The American Revolution* (2 vols., Houghton, Mifflin, 1896)—See Vol. I, chap. I.

FOLLETT, MARY PARKER.—*The Speaker of the House of Representatives* (N. Y., Longmans, Green, 1896)—Introduction by Albert Bushnell Hart.

GREAT BRITAIN: PRIVY COUNCIL OF ENGLAND.—*Acts, Colonial Series* (6 vols., Hereford, London, 1906-1912)—Volume VI contains the "unbound papers."

GREENE, EVARTS BOUTELL.—*Provincial America, 1690-1740* (American Nation: a history, Vol. VI, N. Y., Harper, 1905).

HUTCHINSON, THOMAS.—*History of the Colony of Massachusetts-Bay from 1628. Until 1691* (Boston, Thomas and John Fleet, 1764).

HUTCHINSON, THOMAS.—*History of the Province of Massachusetts-Bay from 1691. Until 1750* (Boston, Thomas and John Fleet, 1767).

HUTCHINSON, THOMAS.—*History of the Province of Massachusetts Bay from 1749 to 1774* (London, John Murray, 1828)—Published posthumously.

LECKY, WILLIAM EDWARD HARTPOLE.—*A History of England in the Eighteenth Century* (8 vols., N. Y., Appleton, 1888-1891)—See Vol. II.

MASSACHUSETTS (Commonwealth).—*Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay; to Which Are Prefixed the Charters of the Province* (21 vols., Boston, 1869-1922).

MASSACHUSETTS (Province): GENERAL COURT, HOUSE OF REPRESENTATIVES.—*Journals, 1715-1774* (8 vols., Boston, 1919-1927)—The Mass. Historical Society has published those for 1715-1729. The file at the State House (Archives Division) is complete for 1730-1773).

POWNALL, CHARLES ASSHETON WHATELY.—*Thomas Pownall, Governor of Massachusetts Bay, Author of "The Letters of Junius"; with a supplement comparing the Colonies of Kings George III and Edward VII* (London, H. Stevens, Son & Stiles, 1908).

SHIRLEY, WILLIAM.—*Correspondence 1731-1760* (2 vols., N. Y., Macmillan, 1912).—Edited by C. H. Lincoln.

WOOD, GEORGE ARTHUR.—*William Shirley, Governor of Massachusetts, 1741-1756, a history: Volume I* (Columbia Studies in History, Economics and Public Law, Vol. XCII, Whole No. 200, N. Y., 1920).

CHAPTER VI

THE BENCH AND BAR IN COLONY AND PROVINCE (1630–1776)

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Intellectual Equipment of the Colonial Leaders (1630–1691)

Recent investigators in the legal history of Massachusetts believe that the fall of the Puritan government in Massachusetts by the loss of the original charter, and the beginning of the fall of the Puritan church at the time of the witchcraft craze, were both due in large measure to the lack of an educated bar. Nevertheless, while the Puritans distrusted and deliberately excluded lawyers in the seventeenth century, they developed much of the "common law" of Massachusetts. They even drew up and adopted the first complete code of laws prepared for itself by any modern community—the Code of 1648—of which a photostat copy can be seen in the Massachusetts State Library; the only known original copy now in existence being in California. It is still law in Massachusetts, except so far as its provisions have been repealed, superseded, or become obsolete. This little-known document not only reflects the local law, but contains provisions notably in advance of any other jurisdiction of that period. From the first existed a method of law making and a formal tribunal, which have not been developed in the first volume of this work.

Professor William G. Sumner long ago pointed out that, "the fact which gives chief value to the study of the early history of the United States is that in it we can see a society begin from its earliest germ and can follow its growth. It is a case of an embryo society—not, however, of savages but of civilized men. They came armed with the best knowledge

and ability which men up to the time of their immigration had won. . . . That history presents elements to the student of society which he can find nowhere else."

Bradford, Brewster, Winslow, Winthrop, Endecott, Saltonstall, John Cotton, Vane, Nathaniel Ward, Richard Bellingham, and others, who did the practical constructive thinking, were educated men. In spite of their faults and prejudices, the Puritan pioneer government developed in practice standards of government which were not only new then, but which still guide our courts, our legislatures, and our people. In earlier days in Europe, the Catholic priesthood represented most of the learning; so in New England the Puritan clergy were on the whole the best educated men in the community. They had a broader and closer understanding of human nature than some modern clergymen who presume to instruct us in political affairs. They were as shrewd in politics as the English and other European ecclesiastics had been before them, and accordingly they valued and co-operated with strong laymen, like Winthrop and others, in administering the government and formulating the laws. For instance, the practical sense which developed the American principle of a bicameral legislature in 1644, instead of a single chamber, as a result of a violent dispute over Goody Sherman's stray sow, is a striking example of the "art of effective government."

Some of the leaders, notably Ward, Bellingham and Winthrop, had studied law to such an extent that they were well equipped for the practical business of government of an English community. Ward, although a clergyman, stated in the "Simple Cobbler of Agawam," that he had "read almost all the common law of England."

Constitutional Influence of the Original Charter (1630)

In Chapter V of Volume I, Dickinson has told the story of the charter of the Bay Colony; but it must here be treated as part of the background of the constitutions of the revolutionary period of the eighteenth century. From the proceedings of the "General Court" of the company in England on July 28, 1629, and the subsequent agreement of August 26, 1629

between Winthrop, Dudley and others who agreed to emigrate, it is clear that one of the conditions of their coming over was that they should carry with them the charter of the company as the irrevocable basis of the local government which they intended to found. In the language of a later period it was, in their opinion, and in a very literal and practical sense, the "social compact" or "constitution" protecting them against the government in England and also against Gorges (who had apparently been caught napping) and others who might want to get it away from them.

This charter contained among its clauses a foundation of personal liberty, which appeared earlier in the Virginia Charter and was repeated later in the Province Charter of 1691, and under which Massachusetts was governed until the Revolution; it also formed the basis of the Massachusetts Constitution of 1780. That clause reads: "That all and every of the subjects of us, our heirs and successors which shall go to and inhabit within the said land and premises and every one of their children which shall happen to be born there or on the seas in going thither, or returning from thence shall have and enjoy, all liberties and immunities of free and natural subjects within any of the dominions of us, our heirs and successors to all intents constructions and purposes whatsoever as if they and every of them were born within the realm of England."

In the absence of trained practising lawyers, advocates engaged in fighting out in court the meaning of the common law rights of Englishmen, it fell to the members of the civil government and clergymen already mentioned who had studied law, to define and enforce these rights thus recognized. They lay dormant at first; but there they were, ready for application and for further development when trained legal advocates arrived on the scene and began to assert them, as Otis did in 1761.

When they arrived in America and began to interpret their charter or "constitution", they did it with a free hand. Finding, or rather really believing, that their strong religious sympathy was the most effective "associative principle" to hold them together and build up a civil society, they used only so much of what they knew of the common law of England as suited their purposes and local conditions.

Sources of Massachusetts Law (1629–1689)

As Hilkey has recently pointed out, much English "common law" was probably administered under the guise of the "Law of God." Law books as "sources of law" were extremely scarce but, in developing "the Law of God" as a working basis, they kept themselves informed from time to time. In 1647, the General Court adopted the following order:

"It is agreed by the Court, to the end that we may have better light for making and proceeding about laws, that there shall be these books following procured for the use of the Court from time to time: Two of Sir Edward Coke upon Littleton; two of the Book of Entries; two of Sir Edward Coke upon Magna Carta; two of the New Terms of the Law; two of Dalton's Justice of the Peace; two of Sir Edward Coke's Reports.

These books, at that time recent, were the main sources of information about the common law, Dalton's *Justice of the Peace,* in particular, was a very practical guide in the administration of criminal law. "Moses his Judicials" (to use John Cotton's language) were a source of law which the people in general could understand; and a mixture of Moses and Lord Coke characterized the colonial statutes. But the Puritans had their own peculiar experience with what Dean Pound calls "the limits of effective legal action."

Dr. Morison says: "Marblehead, with its ample harbor, attracted fisherfolk from Cornwall and the Channel Islands, who cared neither for Lord Bishop nor Lord Brethren. Their descendants retained a distinct dialect, and a jealous exclusiveness for over two centuries. Marblehead obeyed or not the law of the Great and General Court, as suited her good pleasure; but as long as she 'made fish,' the Puritan magistrates did not interfere. Literally true was the Marblehead fisherman's reproof to an exhorting preacher: 'Our ancestors came not here for religion. Their main end was to catch fish'."

The Body of Liberties (1641–1643)

The need of a practical up-to-date guide for magistrates showed itself early; hence about 1636 steps were taken to-

ward a collection of legal rules of conduct. After various delays, two drafts of a "Body (or Breviate) of Liberties" were prepared; one by Reverend John Cotton, who may be classed as the representative of Moses, and the other by the legal student, Rev. Nathaniel Ward, who was more of a representative of Lord Coke. Ward's draft won support; and in 1641 was revised by the General Court, sent to the towns for consideration, and then again revised. It is a curious document. It was not exactly enacted as law at first, inasmuch as the charter provided that the colonists should make no laws repugnant to the laws of England. Winthrop said that they wanted to "raise up laws by practice and custom"; i.e., a local common law: they did it. At the end of the document—in 98 sections—the General Court "with one consent fully authorize and earnestly entreat all that are and shall be in authority to consider them as laws." For three years the General Court at each session was enjoined to consider whether any alteration was necessary. What might be considered the enacting clause was as follows: "Wee doe . . . this day religiously and unanimously decree and confirme these following Rites, liberties and privileges concerning our churches, and civill state to be respectively impartiallie and inviolably enjoyed, and observed throughout our Jurisdiction forever."

The civil war in England having diverted attention from the colonies, and the danger of interference by the Crown having been removed by the success of the Puritan party, the Massachusetts people felt safer in passing more positive legislation, and settled down to the careful preparation of the Code of 1648–1649.

Space does not permit a study of the differences between the common law of England and that of Massachusetts. A comparison of some of the "fundamentals" of Massachusetts with those of England appears in the answer of the General Court to a petition by Dr. Childs, Maverick, and others in 1646. While "they did ever honor parliament and were ready to perform all due obedience, etc., to them according to our charter," etc. . . . yet as Winthrop shows, they rebuked the petitioners who "did impudently and falsely affirm that we are obliged to those laws (of England) by our general charter and oath of allegiance". They declared; "Our allegiance

binds us not to the laws of England any longer than while we live in England for the laws of the parliament of England reach no further."

In this positive theory of the right to independent local self-government, we find the basis of the position taken by John Adams in his first public utterance against the Stamp Act more than a century later and persistently maintained by him throughout the revolutionary controversies. Adams did not invent the idea. He was merely the most powerful and statesmanlike student of colonial history, and exponent of the view which took shape in the minds of Winthrop and his colleagues before they emigrated, and which led them to bring their charter with them.

Lack of Legal Training (1630–1660)

In the earliest years parties spoke for themselves in court. Then, as shown by "Libertie" 26, they were allowed to employ others acceptable to the court (at first without fees). We of Massachusetts have always been a litigious people; and even without lawyers "to foment a controversy" there were plenty of squabbles. The conception of the "Law of God" did not prevent the custom of going to the magistrates for *ex parte* statements, and advice, before the cause came up for trial. Hence Nathaniel Ward in the Election Sermon of 1641 warned the magistrates that they should not give private advice nor hear any man's cause before it came up in public. A proposal to prohibit such practices, at first was opposed, among other reasons, because lawyers would be needed to advise litigants.

Forms of procedure were simple because life was simple. The Colonists had actions of "debt" and "trespass" and "actions of case" which was the usual method of trying almost any issue including land disputes. In fact litigation in general probably resembled the procedure of our "small claims" courts to-day in which lawyers seldom appear.

Thomas Lechford an "attorney" or "Scrivener" from Clements Inn in London, commonly referred to as the only "lawyer" in the colony, seems to have made various useful suggestions, in spite of his unpopularity as a critic. Among

other things he seems to have suggested written pleadings and court records in 1639.

After a while, "usual and common" attorneys, even though not trained lawyers, became recognized as a necessary evil to save the time of the court; but even they were so verbose that in 1656 they were limited to one hour of talk on each side.

Under these primitive conditions with laymen as judges and with prejudice against English law, even though needed and used, there developed what Brooks Adams has called "the pernicious tradition" that special training was not needed to administer justice; and that anybody could be either a lawyer or a judge.

The colonials had no clear idea of the separation of the judicial, legislative, and executive functions which had not been clearly recognized in England. Hence they often called on the legislature to overrule the courts,—a practice which continued to Governor Hutchinson's day. This led to the constitutional separation of the judicial from the other functions of government in the Constitution of 1780.

Early Stages of the Bar

Not until the critical controversy over the Charter after 1664, and the later uncertainty of land titles created by Governor Andros, did the weakness of a lawyerless community begin to show itself. In the Charter controversy Increase Mather and others are said to have consulted Sir John Somers (later Lord Chancellor), who advised an appeal; but they did not follow his advice. To oppose a "prerogative writ" or defend a land title by consulting clergymen and the Old Testament, instead of trained lawyers and the decisions of the Privy Council, does not accord with modern notions. In other colonies, competent lawyers were available and might have been employed in support of the titles.

Indeed, the community might have been spared the suffering and disgrace of the witchcraft trials of 1692 (elsewhere described in this volume), had there been a trained lawyer of character and force to challenge the legality of the special court created by Governor Phips, before it began its fanatical proceedings; or to challenge and fight the absurdities of the

"spectral" evidence. The court was created on the advice of Rev. Cotton Mather by a special commission of *"oyer and terminer"* to try witchcraft cases. The occasional practice of the English Crown in appointing such special commissions as the "Bloody Assizes" of 1685 held by Lord Chief Justice Jeffries and his associates was relied on as a precedent but the assumption that the Province Charter extended this power of the Crown to the Royal Governor of the Province for such a purpose without authority from the General Court which had the sole authority to "establish judicatories" probably would have been upset, had there been competent lawyers at hand to attack it.

The Beginnings of A "Bar"

During the brief administration of "President" Dudley in 1686, the Superior Court, which consisted of a majority of the "President's" Council, with William Stoughton as Chief Justice, began the practice, by rule of Court, of requiring "attorneys" to take an oath. The title of "barrister" appears to have been first assumed in Massachusetts about this time by Thomas Newton. This classification of the bar was developed about 1760 into a clearly defined difference requiring a long period of preparatory study in the office of some practising lawyer to qualify a man for admission as a "barrister." The distinction continued throughout the eighteenth century.

Question of Right to Jury Trial (1643–1775)

One of the first things done by the General Court under the Province Charter in 1692 was to adopt a "Bill of Rights," which was disallowed by the Privy Council. By the "common law" of Massachusetts, expressly recognized in "Libertie" 29 of 1643, jury trial was optional even in criminal cases, the defendant being allowed to elect between a trial by the bench or by a jury. This was a distinct departure from the English common law. The option of "Libertie" 29 was expressly provided in the later statutes of the colony and exercised in practice while they had the colony judges, until the revocation of the charter in 1684. This option in criminal cases, though known and practiced in some other colonies and present states, in Massachusetts appears to have been entirely forgotten for

about two hundred years. A statute passed in 1836 failed to recognize the right of choice and required a trial by jury in all cases in which an indictment was found by a grand jury. The Judicial Council of Massachusetts has recently recommended a revival of the seventeenth century option.

The following record of a case in the Court of Assistants not only shows the option in operation, but illustrates the quaint language of a colonial indictment, the kind of punishment and the form of court record. In almost every case in which there was a jury trial the record states specifically that "the prisoner at the barr pleaded not guilty and put himself on his tryall by God and the Country."

"Jno Watts being presented & Indicted by the Grand Jury was brought to the Barr & was Indicted by the name of John watts marriner for not hauing the feare of God before your eyes being Instigated by the Divill in the time of the warr wth the Indians did in a perfydious & treacherous way against the Inhabitants of this Colony peace & safety to betray them into the ennemyes hands & hath in or about June last traded powder & shott whereby the ennemy hath binn supplyed Contrary to the peace of our Soueraigne Lord the King his Croune & dignity & ye Act of the Council of this Commonwealth.

"To wch Indictment he pleaded not Guilty put himselfe *on his Tryall by God & the bench* The Court on consideration of all the euidences in the case produced doe sentence yow to Runn the Gantelop thro the Company that trayne in Boston on second day next being the 10th Instant & Give in his bond of one hundred pounds for his Good behauiour & pay the Costs & charge of the prosecution standing comitted till the sentence be performed."

The General Court tried to emphasize in the "Bill of Rights" referred to, and in later acts establishing courts, their desire to have all questions of fact tried by juries, especially because the Acts of Trade were to be enforced by Courts of Admiralty without the right to claim juries. This insistence on jury trial in all cases was one of the reasons why some of the acts creating courts between 1692 and 1699 were disallowed. This grievance of the lack of juries in the Admiralty Courts came to the front again later about 1768 and finally found its way into the Declaration of Independence.

The Superior Court of Judicature

A government of laws, as distinguished from a government of clergymen, began to develop with the final creation, in 1699, of the "Superior Court of Judicature Court of Assize and General Gaol Delivery." Several attempts to create a system of courts after 1692, were vetoed by the Privy Council in England for various reasons,—among others because the first two acts provided for a court of chancery.

The Privy Council apparently thought that a locally created chancery court would be against the interests of the Crown, and took the view that it "encroached on the prerogative" and that only the Crown could create such a court. Thus the prejudice against equity, which was still in its earlier development in England (where it was sometimes described as varying with "the length of the Chancellor's foot") began in Massachusetts as a prejudice on the part of the Crown. When the court was finally established in 1699, it received no general equity jurisdiction and people grew up without it. The prejudice thus became a part of the popular prejudice against trusting judges with power. As Woodruff says, "The terrors of the court were the terrors of the unknown."

While strictly construed statutory grants to the courts of special equitable powers were made from time to time, the prejudice against the more general jurisdiction exercised by the English chancellors lasted until 1877, when the present jurisdiction "according to the general principles of equity jurisprudence" (by that time crystallized as was the common law) was finally granted to the Supreme Judicial Court. In 1883, it was extended to the Superior Court. This long delay in broadening the procedural opportunities of litigants seriously affected Massachusetts law in various ways. Generations of the bar grew up with very limited knowledge of equitable principles and their application, and, even to-day, most of the equity business is done in the metropolitan district.

Although there was no chancery court, doubtless the laymen who acted as judges of the law courts administered some "informal equity" without knowing it. The usual method of obtaining such relief appears in the account quoted by Governor Pownall from Benjamin Pratt, one of the leading lawyers.

"There is no court of chancery in the charter governments of New England, nor any court vested with power to determine causes in equity, save only that the justices of the inferior court and the justices of the Superior Court respectively have power to give relief on mortgages, bonds and other penalties contained in deeds: in all other chancery and equitable matters both the Crown and subject are without redress. This introduced a practice of petitioning the legislative courts for relief, and prompted those courts to interpose their authority. These petitions becoming numerous, in order to give the greater dispatch to such business, the legislative courts transacted such business, by orders and resolves without the solemnity of passing Acts for such purposes; and have further extended this power by resolves and orders beyond what a court of chancery ever attempted to decree, even to the suspending of public laws, which orders and resolves are not sent home for the royal assent. The tendency of these measures is too obvious to need any observation thereon."

Governor Hutchinson, in a speech to the two Houses in 1772, strongly protested against such an assumption of judicial power by the General Court.

Other Courts and Practice (1699–1757)

Besides the Superior Court the Statutes of 1699 provided for general sessions of the peace in each county for criminal cases, and Courts of Common Pleas for civil business in each county, with appeals to the Superior Court. The attempt to regulate the jurisdiction of these courts was peculiar. A system of "reviews" or appeals from a jury in one court to a jury in another court was provided, which amounted to giving a right to three trials before judgment in any case could be final. Thus became possible a delay of three years. As Chief Justice Mason says, "A modern community of repudiating debtors could not well provide more effective obstruction to the diligent creditor." It is not surprising that the Lords of Trade objected and the Privy Council disallowed the statutes embodying the scheme. The substitute Acts of 1701 changed this condition somewhat, and was allowed to stand; but the system of "reviews" of a most dilatory character remained

and continued (with minor limitations in 1754 and 1757) until about 1800, long after the Constitution was adopted. The picture of a jury trial in the 18th century and the difficulties of reforming it appear in Knapp's *Sketches of Eminent Lawyers*. "Nothing can be more absurd than that five judges, sitting in a trial, should each give charges to a jury, no two perhaps agreeing in opinion upon facts, and probably differing in some point of law. But notwithstanding this absurdity was so palpable, yet the lawyers had great labour in opposing popular prejudice to obtain an alteration."

In 1701 the legislature confirmed by statute the practice of requiring "attorneys" to take an oath, but as there were so few sworn attorneys in 1708 a Province law provided "and no person shall entertain more than two of the sworn allow'd attorneys-at-law, that the adverse party may have liberty to retain others of them to assist him upon his tender of the establish'd fee which they may not refuse."

The oath required was in substance the same as that required today. It has been aptly described as a "condensed code of ethics." As early as 1713 Judge Sewall emphasized the professional responsibilities of attorneys by saying, "Let them remember they are to advise the Court as well as plead for their clients."

Judicial Functions of the Privy Council in England

The functions of the Privy Council, whether legislative or judicial, were always disputed in Massachusetts. The "Royal Disallowance" of legislation, the exercise of which has already been mentioned, was not a "repeal," inasmuch as the local assemblies took no part in it; it was not a "veto," since legislation became effective from its enactment. It has been described as "analogous to the function of the Supreme Court of the United States in passing upon Acts of Congress"; but that function is a judicial function, and the "Royal Disallowance" was obviously, in theory and in practice, a purely legislative function. It is true, however, that through the testing by the Privy Council of colonial statutes, to see if they conflicted with the charters or the acts of Parliament, the colonists, while disliking such foreign interference, were familiar

from the start with the conception of enforceable restrictions in a written instrument upon legislation. Here were the germs of an idea, the later development of which was the great American contribution to the science of government.

The judicial function of the Privy Council was, however, distinct and similar to that of our American courts of last resort, when its jurisdiction was conceded and appealed to. Lechford, writing in 1643 in his *Plaine Dealing* reflects the general sentiment of the magistrates in Massachusetts throughout the colonial period; by saying that from the judgment of the "Generall Court . . . there is no appeale, they say: Notwithstanding, I presume their Patent doth reserve and provide for Appeales, in some cases, to the Kings Majesty. . . ."

The original charter said nothing about such appeals to the king; but it is doubtless true that in England "it was taken for granted that appeal from the colonial courts to the King Council was inherently the right of every English subject." This was not admitted in Massachusetts, however. Prior to 1780, there appears to be no record of such appeal with one possible exception in 1678. The Province Charter of 1691 contained a specific provision naming the King and Council as the court of last resort "in any personal action, wherein the matter in difference doth exceed the value of three hundred pounds Sterling, provided such appeal be made within fourteen days after the sentence or judgment given; and that before such appeal be allowed, security be given by the party or parties appealing, in the value of the matter in difference to pay or answer the debt or damages for which judgment or sentence is given, with such costs and damages as shall be awarded by us . . . in case the judgment or sentence be affirmed."

Aside from the continued prejudice in Massachusetts against the idea of such appeals, obviously the expense involved in giving the required security and presenting and arguing the appeal in London, was usually prohibitive; so that it is not surprising to find that between 1680 and 1780 only two hundred sixty-five appeals reached the Privy Council from all the colonies. Of these, forty-four came from Massachusetts as compared with seventy-eight from Rhode Island, fifty-three from Virginia, and twenty-one from New York.

Significant Constitutional Cases

Among these, however, were two cases of considerable constitutional importance, one of them from Massachusetts. In the case of *Winthrop v. Lechmer,* about 1727, the Privy Council held invalid a Connecticut Statute varying the English common law of primogeniture, because unwarranted by the charter. About ten years later (1637–1638) a similar question arose in the case of *Phillips v. Savage* in Massachusetts. There, an estate was distributed in five parts in accordance with a Massachusetts statute passed in 1692, which was ratified and confirmed in 1695 by the then Privy Council and had been reaffirmed and explained in other later acts; estates had been distributed under these statutes for over forty years. Under these circumstances, the Privy Council naturally showed its wisdom in confirming the local practice as a practical interpretation of the charter, in spite of their previous decision in the Connecticut case. Thus the Council in its judicial capacity in 1738 accepted as a precedent its own earlier action in its legislative capacity, supplemented by years of practical application throughout the colony. The constitutional importance of these decisions lies in the fact they were actual examples of judicial consideration of restrictions on the scope of legislation, an idea with which Massachusetts people before the Revolution were more familiar than has been generally recognized. Hence they responded to the arguments of Otis and the Adamses which applied the same principles of restraint to Parliament itself.

Declaring Statutes Void

The connection between the attitude of the Puritans of the early seventeenth century toward law, and the arguments of Otis against the Writs of Assistance, is generally overlooked. The picture of Otis on the walls of the State House shows him with his arm raised and his finger pointing toward the sky. This is doubtless intended to represent his references to the Law of God as the higher test of an act of Parliament. Also in the answer to Dr. Childs in 1646 the General Court expressed the idea that anything, whether common law or not,

established "contrary to" the "laws of God" was, *"not law, but an error."* Warren, in his *History of the American Bar,* calls attention to the fact that this idea was common even in England, and was expressed by Lord Chief Justice Keble in 1650. John Milton, in 1651, stated as a "fundamental maxim," that "nothing is to be counted as law that is contrary to the Law of God or of reason." That the "Law of God" is a somewhat vague test to be applied by courts was, of course, realized even more in 1761 than in 1650; but the general sentiment of Massachusetts during a period of a century and a half before the Revolution gradually developed with the central idea that courts could, and should, disregard legislation as void if contrary to what were understood as "constitutional principles" even though *unwritten.* Lord Acton, in modern language, compared the substance of the speech of Otis to the case of "Charles with his ship money and James with the dispensing power. There are principles which override precedents."

Personnel and Tenure of the First Court (1692–1702)

The court was appointed under the act of 1692 creating the court, and continued to sit under successive acts until it was finally approved by the Privy Council in 1699. The court thus created has had a continuous history to the present day and is the oldest tribunal in the country. There were five members of the court at that time. The chief justice was William Stoughton, who presided over the Witchcraft Court. He was a clergyman of varied virtues and abilities including talents for bigotry, politics, and office-holding. He was a bachelor with an active interest in education. He built the first Stoughton Hall of Harvard College and left the college a substantial legacy. Among his other attainments, we are told that "Mr. Stoughton prays excellently and makes a notable speech at the opening of the court." The other judges of the first court were: Samuel Sewall, Thomas Danforth, at one time President of the Province of Maine; Wait Winthrop, a physician, son of Governor John Winthrop of Connecticut; and John Richards, a merchant. As Washburn says, it appears to have been the

From the portrait in the possession of Grenville Lindall Winthrop, Esq.

WAIT WINTHROP

purpose to embrace as many various callings in life as the number of judges admitted.

The Province Charter did not provide for judicial tenure "during good behavior". That safeguard of judicial independence (which marked the change from the servility of the Stuart judges) was not secured in England until the Act of Settlement of 1701, which did not extend to the colonies. The assemblies of some of the provinces tried at intervals to secure it but were resisted by the Lords of Trade for reasons similar to the reasons for opposing local chancery jurisdiction; namely, because independent colonial judicial tenure would tend "to lessen that just dependence which the colonies ought to have upon the government of the mother country".

Attention was attracted to this subject throughout the colonies in 1735 by the Zenger libel case which grew out of the removal of Chief Justice Morris of New York by the royal governor because the chief justice decided a case adversely to the governor's interests. The absence of the provision for judicial tenure during good behavior as applied to the colonies raised a dramatic controversy later in Massachusetts, when it was planned that judicial salaries should be paid by the Crown, and it was specified by Jefferson as one of the acts of tyranny of George III that, "He has made judges dependent on his will alone for the terms of their offices and the amount and payment of their salaries."

In 1712, the first trained lawyer was appointed judge in the person of Benjamin Lynde, who had studied law at one of the Inns of Court in London. The second trained lawyer, appointed in 1718, was Paul Dudley, son of Governor Joseph Dudley. Both Lynde and Dudley later became chief justices and served for many years.

The Early Bar (1722–1775)

Meanwhile a bar began to develop to meet the needs of the more prosperous province with its growing business. The first name which stands out is that of John Read, who settled in Massachusetts in 1722 after spending the earlier part of his life in Connecticut where he was one of the leading lawyers. Read appears to have been a man of exceptional intelligence

and force of character, who "reduced the jarring and contradictory forms of practice to a system, taught courts the advantages of precedents, and practitioners the value of knowledge." He appears to have reduced the habitually "quaint, redundant and obscure phraseology" of the English "deeds of conveyance" to shorter and simpler forms, the common use of which he introduced. Copies of some of Read's original writs were preserved and published in the books of precedents as late as 1834.

About 1740 while Read was in active practice, Benjamin Pratt, who was born in Cohasset in 1709, came to the bar. He rose rapidly to a position which is reflected in the enthusiastic description of him by John Adams, standing on crutches listening to the argument of Otis on the Writs of Assistance. He was appointed Chief Justice of New York in 1761. It is stated that in the severest season of the year, while Pratt was suffering all the pain which the amputation of a leg a few days before could produce, he sat with a law book before him while great drops of sweat were standing on his face and running down his cheeks.

Next to Read, the most influential early lawyer was Jeremiah Gridley. He graduated from Harvard in 1725 and, after a few years of school teaching and the study of theology, turned to the bar and rapidly made such a position for himself that he is sometimes referred to as "The Father of the Bar." He appears to have been one of those wise, able, and kindly old lawyers who gain the respect and affection of the bench and bar, and the influence of whose personality is found throughout the community in which they live.

Jeremiah Gridley represented the Crown at the argument in support of the application for the Writs of Assistance in 1761. As it was in his office that James Otis, Jr., studied law, that case presented the picture of the master on one side and the still more distinguished pupil on the other. Gridley served for twelve years from 1755 as Grand Master of Masons of all North America. Like a number of other leading lawyers in our history, he appears to have been careless of his own interests and in 1767 he died poor at the age of sixty-two.

Influence of a Trained Bar (1706–1775)

A trained bar must exist before a community can have a trained bench. As there were practically no lawyers at all before 1700, it is not surprising that between 1700 and 1775 few men educated in the law appeared on the highest bench. By the middle of the eighteenth century the needs of the community called an able bar into existence, and the legal problems of government brought forth high talents so that the pre-revolutionary bar stands out as of greater importance than the bench of the period. It was a small bar from our standpoint, —the number of barristers at the most active period just before the Revolution being only about 25 in the whole province.

In the development or "making" of law, the imagination, and what Judge Story called, "powers of generalization" of the bar, contribute far more than the community realizes to the gradual development or "making" of law by the courts and legislatures. Men like Otis, John Adams, and Theophilus Parsons were intellectual pioneers in fields of American constitutional law. As an authority on government puts it, "Government is a bigger factor in the country's economic life than the economists have given us to understand," Emerson in his lecture on the "Uses of Great Men" explains this by saying, "I can not tell what I would know but I have observed there are persons who in their character and actions answer questions which I have not skill to put." Some of these early lawyers thought out and expressed the ideas which suited the practical needs of the country; and we are still living under those ideas to-day because they have "worked."

Conditions of Legal Training (1722–1775)

Surprise is sometimes expressed that the lawyers of the Revolutionary Period were so well-informed in regard to other systems of law, Roman law, European law, International law, etc. The explanation probably is found in the maxim of Otis quoted by Tudor, that "A lawyer ought never to be without a volume of natural or public law, or moral philosophy on his table, or in his pocket". Otis studied law in Gridley's office. John Adams tells us that he borrowed Roman law

books of Gridley, who advised him to read them. This means that men had, or made, more time to read in those days than now. Available literature was more limited and the educated lawyers, like Gridley, Pratt, Otis, Thacher and John Adams, either accumulated libraries or borrowed them and read everything they could lay their hands on.

That such men had an intellectual training, of which many lawyers to-day have no conception, in spite of the enormous increase in educational opportunities, is indicated by the statement of Otis to his brother, that "Blackstone's 'Commentaries' would have saved him seven years labour poring over and delving in black letter." The first volume of Blackstone was published in England in 1765 and the other three volumes appeared within the next four or five years, so that by the early seventies the enthusiastic study of Blackstone had begun in the colonies. Those who do not read Blackstone to-day may understand better the great interest and influence which his books provided for the early American Bar by pondering the remark of Otis above referred to. Most of the leading lawyers were graduates of Harvard College at that time; they had some education as a basis for their further studies.

Admission to the bar appears to have been regulated by the bar itself. There seem to have been no rules of court to speak of, but some sort of bar association was organized in Suffolk as early as 1761 with a resulting influence as described by John Adams that, "The courts and the bar, instead of scenes of wrangling, chicanery, quibbling, and ill manners, were soon converted to order, decency, truth and candor."

The usual training for admission about this time appears to be reflected in a rule agreed to at a meeting of the barristers and attorneys in Essex County in 1769: "It is agreed that we will not take any young gentlemen to study with us without previously having the consent of the bar of this County; that we will not recommend any persons to be admitted to the Inferior Court as attorneys who have not studied with some barrister three years at least, nor as Attorneys to the Superior Court who have not studied as aforesaid and been admitted at the Inferior Court two years at least nor recommend them as Barristers till they have been through the preceding degrees and been Attorneys at the Superior Court two years at least,

except those gentlemen who are already admitted in this county as Attorneys at the Superior and Inferior Courts and that these must be subject to this rule so far as is yet to come."

At this same meeting it was further voted: "that the consent of the bar shall not be taken but at a general meeting of the bar for the County and shall not be given to any young gentleman who has not had an education at College or a liberal education equivalent in the judgment of the bar."

The First Great Constitutional Case (1761)

The first great legal battle in the Massachusetts Courts and perhaps, the greatest case ever argued in America because of the far-reaching influence of the argument of counsel, was the case of the Writs of Assistance before the Superior Court of Judicature in 1761, sitting in the Council Chamber of the Old State House in Boston. The fullest account appears in a letter of John Adams written in 1817, which is one of the sources of our legal history.

"Whenever you shall find a painter, male or female, I pray you to suggest a scene and a subject for the pencil. The scene is the Council Chamber in the old Town House in Boston. The date is in the month of February, 1761. . . . In this chamber, round a great fire, were seated five Judges, with Lieutenant-Governor Hutchinson at their head, as Chief Justice, all arrayed in their robes of scarlet English broadcloth; in their large cambric bands, and immense judicial wigs. In this chamber were seated at a long table all the barristers at law of Boston, and of the neighboring county of Middlesex, in gowns, bands, and tie wigs. . . . Two portraits, at more than full length, of King Charles the Second and of King James the Second, in splendid golden frames, were hung up on the most conspicuous sides of the apartment. . . . Samuel Quincy and John Adams had been admitted barristers at that term. John was the youngest. He should be painted looking like a short thick archbishop of Canterbury, seated at the table with a pen in his hand, lost in admiration, now and then minuting these poor notes. . . . Merchants of Salem and Boston applied to Mr. Pratt, who refused, and to Mr. Otis and Mr. Thacher, who accepted, to defend them against the

terrible menacing monster, the writ of assistance. Great fees were offered, but Otis, and, I believe, Thacher, would accept of none. 'In such a cause,' said Otis, 'I despise all fees.' . . .

"Now for the actors and performers. Mr. Gridley argued with his characteristic learning, ingenuity, and dignity, and said everything that could be said in favor of Cockle's petition; all depending, however, on the 'if the Parliament of Great Britain is the sovereign legislature of all the British empire.' Mr. Thacher followed him on the other side, and argued with the softness of manners, the ingenuity and cool reasoning, which were remarkable in his amiable character.

"But Otis was a flame of fire!—with a promptitude of classical allusions, a depth of research, a rapid summary of historical events and dates, a profusion of legal authorities, a prophetic glance of his eye into futurity, and a torrent of impetuous eloquence, he hurried away every thing before him. American independence was then and there born; the seeds of patriots and heroes were then and there sown, to defend the vigorous youth, the *non sine Diis animosus infans.* Every man of a crowded audience appeared to me to go away, as I did, ready to take arms against writs of assistance. Then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain. Then and there the child Independence was born. In fifteen years, namely in 1776, he grew up to manhood, and declared himself free. . . .

"Mr. Otis's popularity was without bounds. In May, 1761, he was elected into the House of Representatives by an almost unanimous vote. . . . You can have no idea of the consternation among the government people. Chief Justice Ruggles, . . . said, 'Out of this election will arise a d—d faction, which will shake this province to its foundation.' Ruggles's foresight reached not beyond his nose. That election has shaken two continents, and will shake all four. For ten years Mr. Otis, at the head of his country's cause, conducted the town of Boston, and the people of the province, with a prudence and fortitude, at every sacrifice of personal interest, and amidst unceasing persecution, which would have done honor to the most virtuous patriot or martyr of antiquity. . . ."

Significance of Writs of Assistance Case (1761–1765)

Over the power and influence of Otis' argument, a controversy still smolders, flaring up recently in the destructive criticism by James Truslow Adams in his *Revolutionary New England*. John Adams gave testimony several times on this subject, growing more and more convinced of its importance and of Otis' power as years advanced. Records of the arguments made at the time are wanting; but Otis' powerful statements on the right of Americans is forever crystallized in his pamphlets in 1763 and 1764, *Vindication of the Massachusetts Representatives* and *The Rights of the British Colonies* which, as Tudor tells us, were "quieuvicued" by Samuel Adams. Otis was not a "young" lawyer; he was at the height of his powers. An "eagle-eyed politician" does not describe him; most men were politicians in those days. He was much more. Putnam, with whom John Adams studied, considered Otis "by far the most able, manly, and commanding character of his age at the bar."

Men are not likely to forget great intellectual inspirations and experiences such as those which obviously had so profound an influence on John Adams. As his grandson puts it, the eloquence of Otis "was to Mr. Adams like the oath of Hamilcar administered to Hannibal." Perhaps the greatest contribution which James Otis made to the history of America was that stirring of the imagination and intellectual enthusiasm of the man who was later to drive home his ideas, and who as President appointed John Marshall, Chief Justice of the Supreme Court of the United States. Those who read the pamphlets of Otis already mentioned know that the ideas there expressed were not suddenly developed in 1763 and 1764. They were the result of wide reading and reflection and there can be no question that Otis argued the similar ideas and in similar language in 1761. Otis at once became the popular hero. The idea of the "supremacy of law" over legislatures was growing and Otis, as a pioneer, fostered its growth to the budding point.

The next outstanding controversy in which the lawyers led was over the Stamp Act in 1765. Andrew Oliver, the stamp distributor, having been forced to resign his office and

there being no stamps as required for legal papers, the courts were closed and the business of lawyers stopped. Here John Adams, as a result of his protest in Braintree, suddenly started on his public career at the age of thirty by being chosen with Jeremiah Gridley and James Otis to represent Boston in support of a petition before the Governor and Council, asking them to open the courts. In that argument, the famous slogan "No taxation without representation" was supported by arguments similar to those used by Otis in 1761. From this time on, the lawyers, supplemented by the printers, had a tremendous influence.

Joseph Hawley, Head of the Bar (1745–1776)

The Connecticut Valley has long since been recognized as the source of some of the most level-headed men of Massachusetts. Boston produced Otis and Braintree produced his later disciple, John Adams, both primarily the men of intellectual suggestion. Boston also produced Samuel Adams,—primarily the man of action, political management and organization. Another character,—primarily a man of judgment in legislative and revolutionary matters and the leading lawyer of western Massachusetts,—was Major Joseph Hawley of Northampton. He appears to have been not only a man of ardent temperament and of peculiarly upright character, respected throughout the western part of the state which he represented, but also a man of unusual foresight and firmness who foresaw the necessity of the approaching conflict earlier and more clearly than many of his contemporaries. He did what he could to prepare for it in restraining and fortifying, or balancing, the minds of many of his associates and particularly of the younger men, of whom John Adams was one, as appears in a cautioning letter to John Adams as he started for the Continental Congress in 1774.

Joseph Hawley was born in 1724, graduated from Yale in 1744, rose to the head of the bar in the western counties, and in 1766 was sent to the Massachusetts General Court where he exercised a dominating influence for the ten years until 1776. Then he retired, refusing an election to the senate in 1780 because of the religious test required by the then recently

adopted constitution. The confidence and respect which he inspired is, perhaps, best indicated by the following passage from a biographical article:

"The vigor with which he conducted the defense of some Hampshire County rioters indicted for resisting the Stamp Act and the severity of his strictures upon the opinions advanced by the court led to his dismissal from the bar for the remainder of that court session, but they did not lessen the esteem of Chief Justice Hutchinson for his critic. The high opinion of Hawley expressed throughout Hutchinson's *History* is remarkable in view of the fact that the Hampshire patriot more than once by his superior knowledge of the law was able to turn the judge's own statements against him and to place him, when governor of the colony, in an awkward position."

John Adams tells us that Major Hawley was "always conscientious, always deliberate, always cautious;" and that in 1774 "such was the state of parties . . . that the patriots could carry nothing in the House without the support of Major Hawley."

Edmund Trowbridge

Of Edmund Trowbridge, born in 1709, a graduate of Harvard of 1728, attorney general at one time and a justice of the Superior Court of Judicature from 1767–1775, Chief Justice Parker spoke in 1813 as "perhaps the most profound common lawyer of New England before the Revolution." His opinions and essay on "The Law of Mortgages" were considered of such value as to be annexed (after his death in 1792) to Volume 8 of the Massachusetts Reports. Perhaps his greatest public service, though not generally realized, was his teaching law to Theophilus Parsons in Byfield after he retired from the bench during the Revolution, for, next to John Adams, Parsons had the most constructive mind in Massachusetts during its formative period after the Revolution. Others who studied in the office of Trowbridge according to Warren were: Francis Dana (subsequently chief justice); James Putnam; Royal Tyler (subsequently chief justice of Vermont); Rufus King; Christopher Gore; and Harrison Gray Otis.

John Adams

John Adams had, and still has, a vast influence on American history and government. It is futile to compare him with Madison or Hamilton, his great enemy, or with Marshall or others of their generation, for they had different functions, and they all had the advantage of his previous constructive work as lawyer and statesman. In many ways he was their teacher.

Vain, irritable and irritating, particularly during his presidency of the United States, ambitious and at times apparently jealous even of Washington, he yet combined with these peculiarities an intellectual capacity, a range of vision, a spirit of tolerance, in other words, a balance of character and intellect which made men turn to him for guidance in his early forties. He was not then, nor, indeed, at any time in calm moods, an extremist in any direction. This enabled him to reflect in his draftmanship most of the permanent sentiments of his fellow citizens in such a way as to satisfy succeeding generations, and in many ways to convince the men who framed and ratified the Constitution of the United States. To him the committee of thirty, appointed to draft a constitution for the Massachusetts Convention, delegated that task in 1779. He succeeded Otis as the constructive thinker of the Revolution.

His idea of governmental institutions was based on a profound recognition of the conflicting differences in human nature. This is obviously behind his strong belief in a legislature of two houses, the establishment of which, if I am not mistaken, is to a large extent due to his influence. It was obviously behind the principle of the separation of powers also.

On March 5, 1770, occurred the (so-called) Boston Massacre, a conflict between the British troops and the people, elsewhere described in this volume. Next morning Captain Preston and his soldiers, who were charged with murder, applied to John Adams and young Josiah Quincy, Jr., to defend them. The two young lawyers risked their professional, social and popular standing by accepting, in order to secure a fair trial in a time of great popular excitement. By so doing they set a professional standard which has never been forgotten. The captain and all the soldiers were acquitted except two who were

convicted of manslaughter. Those two claimed "the benefit of clergy" (an old common law forerunner of our probation practice) which involved burning in the hand and subsequent release.

Charles Francis Adams, the grandson of John Adams regarded the acceptance of the defense in this case as one of the great moral trials and triumphs of his grandfather's career; and that was doubtless true. Not only did he feel the professional obligation of assisting in a fair trial, but Adams, as will appear later, dreaded the results of irregular "recurrences to original power," in the form of popular riots. Unquestionably he believed that large issues might be endangered if the soldiers were not properly defended.

The Judicial Article of the Bill of Rights (1780)

By the famous provision drafted by John Adams in the twenty-ninth article of the Bill of Rights for judicial tenure during good behavior (based on the history of the English bench and the Act of Settlement of 1700); and by the provision elsewhere for an appointive judiciary, the Massachusetts bench has been kept open to all men of capacity whether they were available under an elective system or not. These provisions have stood for more than one hundred and forty years in Massachusetts, and stand today, as the background of the principle of judicial independence of the Federal Courts. By these clauses, by his defense of the British soldiers, and by the later appointment of John Marshall as Chief Justice of the United States, John Adams set and expounded a standard for the American bench and bar the present influence of which is incalculable.

Tory Lawyers

In view of the natural conservatism of the bar, it is not surprising, as Chamberlain tells us, to learn that: "Of the barristers in Boston and its immediate vicinity. . . . five were loyalists, and John Adams alone lived through the Revolution as the advocate of American independence. Twenty-four of the principal barristers and attorneys in the colony, and one hundred and twenty-three merchants and traders, including a few

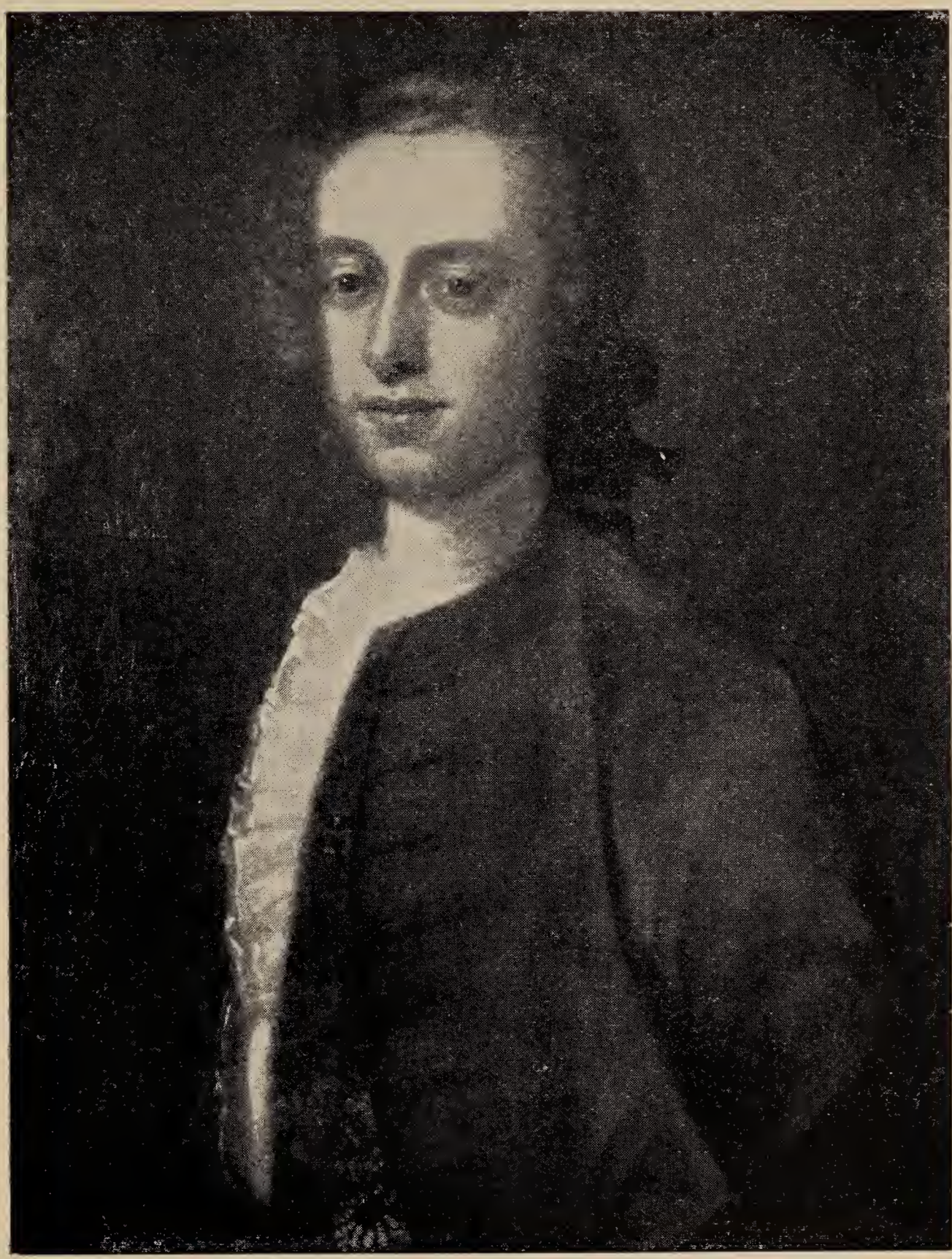
others, in Boston, signed the address to Governor Hutchinson, 30 May, 1774; and similar addresses to Governor Gage, as late as 14 October, 1775, were signed by the same class of people, and in still larger proportion to the population, in Salem and Marblehead. Plymouth County was the stronghold of the loyalists. . . .

"Many of those who finally adhered to the crown were among the most earnest denunciators of the Stamp Act. . . . Not that the Tories were fonder of paying taxes than were the patriots, but they were content when the obnoxious tax was repealed, and were disinclined to [follow John Adams and] make an issue on the Declaratory Act of the parliamentary right to tax."

Official List of Judges (1692–1775)

This list (reprinted from the *Manual of the General Court*) includes names of men in the first rank of Massachusetts minds or noted for other services to the Commonwealth.

APPOINTED			LEFT THE BENCH	DIED
	CHIEF JUSTICES			
1692.	William Stoughton	1701.	Resigned.	1701.
1701.	Wait Winthrop	1701.	Resigned.	1717.
1702.	Isaac Addington	1703.	Resigned.	1715.
1708.	Wait Winthrop	1717.	Died in Office.	1717.
1718.	Samuel Sewall	1728.	Resigned.	1730.
1729.	Benjamin Lynde	1745.	Died in Office.	1745.
1745.	Paul Dudley	1751.	Died in Office.	1751.
1752.	Stephen Sewall	1760.	Died in Office.	1760.
1761.	Thomas Hutchinson	1769.	Acting Governor.	1780.
1769.	Benjamin Lynde	1771.	Resigned.	1781.
1772.	Peter Oliver	1775.	Removed at Revolution.	1791.
	JUSTICES			
1692.	Thomas Danforth	1699.	Died in Office.	1699.
1692.	Wait Winthrop	1701.	Resigned.	1717.
1692.	John Richards	1694.	Died in Office.	1694.
1692.	Samuel Sewall		(Appointed C.J., 1718.)	1730.
1695.	Elisha Cooke	1702.	Removed.	1715.
1700.	John Walley	1712.	Died in Office.	1712.
1701.	John Saffin	1702.	Removed.	1710.
1702.	John Hathorne	1712.	Resigned.	1717.
1702.	John Leverett	1708.	Resigned.	1724.
1708.	Jonathan Curwin	1715.	Resigned.	1718.
1712.	Benjamin Lynde		(Appointed C.J., 1729.)	1745.
1712.	Nathaniel Thomas	1718.	Resigned.	1718.
1715.	Addington Davenport	1736.	Died in Office.	1736.
1718.	Paul Dudley		(Appointed C.J., 1745.)	1751.
1718.	Edmund Quincy	1737.	Died in Office.	1737.
1728.	John Cushing	1733.	Removed.	1737.
1733.	Jonathan Remington	1745.	Died in Office.	1745.
1736.	Richard Saltonstall	1756.	Died in Office.	1756.
1737.	Thomas Greaves	1738.	Resigned.	1747.
1739.	Stephen Sewall		(Appointed C.J., 1752.)	1760.
1745.	Nathaniel Hubbard	1746.	Resigned.	1748.
1745.	Benjamin Lynde		(Appointed C.J., 1769.)	1781.
1747.	John Cushing	1771.	Resigned.	1778.
1752.	Chambers Russell	1766.	Died in Office.	1766.



From the portrait in The Massachusetts Historical Society

THOMAS HUTCHINSON

OFFICIAL LIST OF JUDGES—Continued

JUSTICES

APPOINTED			LEFT THE BENCH	DIED
1756.	Peter Oliver		(Appointed C.J., 1772.)	1791.
1767.	Edmund Trowbridge	1775.	Resigned.	1793.
1771.	Foster Hutchinson	1775.	Removed at Revolution.	1799.
1772.	Nathaniel Ropes	1774.	Died in Office.	1774.
1772.	William Cushing	1775.	Removed at Revolution.	1810.
1774.	William Browne	1775.	Removed at Revolution.	1802.

The Superior Court of Judicature (1692–1775)

In the above list of judges serving on the Superior Court of Judicature from its creation in 1692 to the Revolution are only four trained lawyers: Benjamin Lynde, Sr., Dudley, Trowbridge, and William Cushing.

Chief Justice Mason has made a fair-minded review of the judges of the Provincial period, as follows:

"It is a mistake to assume that other members of the highest judicial tribunal of the province were not familiar with the legal learning of the times because not educated for or trained by practice in the legal profession. Nearly all of them were graduates of Harvard, and of ability in general scholarship. Participating actively in public affairs, they had become familiar with the organization of the government and its administration, also with the legislation of the province and of parliament affecting provincial affairs, and when appointed to judicial duties did not fail to apply themselves to studies calculated to give them efficiency in the work. Law libraries were not then so extensive as now, and the mastery of such books of the law as were then accessible was not a formidable task for trained scholars. It is not probable that so far as familiarity with books of the law could give equipment for judicial work, the trained lawyers of the court were so much better furnished than their associates as might be hastily assumed. While it is not practicable to make accurate comparison of the legal attainments of the provincial judges, it is quite certain that the average standard was not a low one.

"The second Benjamin Lynde, associate justice from 1745 to 1769, and chief justice from 1769 to 1771, is not known to have been educated for the bar, but he was a graduate of Harvard in 1718, entered public life almost immediately, and had eleven years' preparatory training in the Suffolk Court of Common Pleas before his promotion to the Superior Court.

When in 1770 he presided at the trial of Captain Preston and the soldiers connected with the historical event known as the 'Boston Massacre,' he betrayed no lack of legal equipment nor of judicial firmness.

"Thomas Hutchinson, one of the ablest judges of the provincial period, for eight years chief justice, was a graduate of Harvard in 1727, and first entered commercial business, but failed of success. He thereupon began the study of law, but with reference to public life rather than to practice in the profession, and never became a member of the bar. Had history occasion to deal only with his judicial career, his place would be that of unquestioned ability, learning, and integrity. His political errors brought upon him such obloquy that scant justice has been done to his distinguished service in other lines.

"Peter Oliver, the last chief justice under the provincial government, was a graduate of Harvard in 1730, and, although he entered no profession, was a man of much culture. He had served upon the Court of Common Pleas for Plymouth County eight years prior to his appointment to the Superior Court in 1756. For sixteen years, he served as associate justice of the latter court to the acceptance of every one, winning a high reputation for accurate learning, fearless independence of action, and uncompromising integrity. In 1772, he was appointed chief justice and in little more than two years was among the most intensely hated of the adherents of the Crown. As conscientious in his political errors as any patriot who assisted in burning his effigy or his beautiful home at Middleboro, his fidelity to convictions cost him temporary obloquy of the gravest character, and those who cherished his good name saw the record of history made up ignoring his life-long faithful service and preserving only that which has been condemned. The record which is unjust may last for time, may have no correction in earthly annals, but, nevertheless, it can not abide to injure.

"If we had better means of measuring the useful service of: William Stoughton, Samuel Sewall, Stephen Sewall, Edmund Quincy, Richard Saltonstall, John Cushing, and the other judges, it would doubtless give us higher estimates of their individual merit, and fuller appreciation of the large

contribution of the provincial period to the judicial history of Massachusetts."

Inferior Probate and Admiralty Courts

Of the courts other than the Superior Court, Abraham Holmes spoke in his address to the Bristol County bar in 1834. He points out that "At this time the courts, especially the Courts of Common Pleas, were not composed of such legal characters as since have dignified those benches. The emoluments of the offices would not induce greater men to accept. The celebrity of the bar had very much increased; the Judges of the Courts of Common Pleas were in *statu quo*. The bar possessed a greater share of the people's confidence than the judges did, and that was very often the case with the juries. According to the foibles of human nature, the gentlemen of the bar rather looked down on the bench, though they commonly, but not always, treated them with a distant, cool civility. They sometimes said *that,* with impunity, which would *now* deprive them of their right to practice."

Probate courts were created in each county under a clause in the Charter of 1791 giving the Governor with the Council or Assistants power to "do, execute or perform all that is necessary for the probate of wills" etc. An appeal was reserved to the Governor and Council as the Supreme Court of Probate. The provision in the Constitution of 1780 conferring probate jurisdiction on the Governor and Council "until the Legislature shall by law make other provision" was therefore a continuance of the earlier practice.

Admiralty courts have been mentioned already in connection with the jury question. The general grant in the Province Charter to the General Court of power to establish "judicatories" was limited by the reservation—

"Provided always—that nothing herein shall extend or be taken to erect or grant or allow the exercise of admiralty court jurisdiction power, or authority, but that the same shall be and is hereby reserved to us and our successors, and shall from time to time be erected, granted, and exercised by virtue of Commissions to the issued under the great seal of England

or under the seal of the high admiral or the commissioners for executing the office of high Admiral of England."

The colonies were divided into districts, over which admiralty judges were appointed with power to appoint deputies to act under them. From 1703 on, New England constituted the Northern District in which these courts had jurisdiction of breaches of the Acts of Trade without juries. As already pointed out, this little clause in the Charter contained the seeds of much pre-revolutionary friction.

Controversy Over Tenure (1772)

In 1772, the fact that the British government undertook to pay the salaries of the Massachusetts judges alarmed the public, lest the administration of justice should become more completely under Royal control. The commissions of the judges at this time contained neither the clause granting the common law tenure during the King's pleasure *(durante bene placito)* nor the tenure of English judges since the Act of Settlement of 1701 "during good behavior" *(quamdiu se bene-gesserint)*.

A public controversy arose as to the meaning of these commissions as to tenure, between General William Brattle and John Adams in which Adams demonstrated that the common law rule of the Royal pleasure would govern if the question arose. If there was to be any political control of judges, our local ancestors wanted to have it through the control of judicial salaries to which they had been accustomed. The principle of judicial independence was not fully established in Massachusetts until John Adams wrote it into the twenty-ninth article of the Bill of Rights and the third chapter of the Massachusetts Constitution, which was adopted in 1780.

The serious situation which threatened "irregular recurrences to original power" and the way the difficulty was met is best described in the vivid account which Adams wrote. "Intimations were frequently given that this arrangement should not be submitted to. I understood very well what was meant, and I fully expected that if no expedient could be suggested, the judges would be obliged to go where Secretary Oliver had gone, to Liberty Tree, and compelled to take an oath to re-

nounce the Royal salaries. Some of these judges were men of resolution, and the chief justice, in particular, piqued himself so much upon it and had so often gloried in it that the mob might put on him a coat of tar and feathers, if not put him to death. I had a real respect for the judges; three of them, Trowbridge, Cushing, and Brown, I could call my friends. Oliver and Ropes, abstracted from their politics, were amiable men, and all of them were very respectable and virtuous characters. I dreaded the effect upon the morals and tempers of the people, which must be produced by any violence offered to the persons of those who wore robes and bore the sacred characters of judges; and, moreover, I felt a strong aversion to such partial, and irregular recurrences to original power.

"It happened that I was invited to dine that day with Samuel Winthrop. Arrived at his house in New Boston, I found it full of counsellors and representatives and clergy. Such a group of melancholy countenances I had rarely, if ever, seen. No conversation, except some insipid observations on the weather till the great topic of the day was introduced, and at the same time a summons to the feast. All harps upon the willow, we sat down to a *triste* dinner, which all the delicacies before us could not enliven. A few glasses of good wine, however, in time brought up some spirit, and the conversation assumed a little vigor, but it was the energy of grief, complaint, and despair."

Conflict Over Chief Justice Oliver (1776)

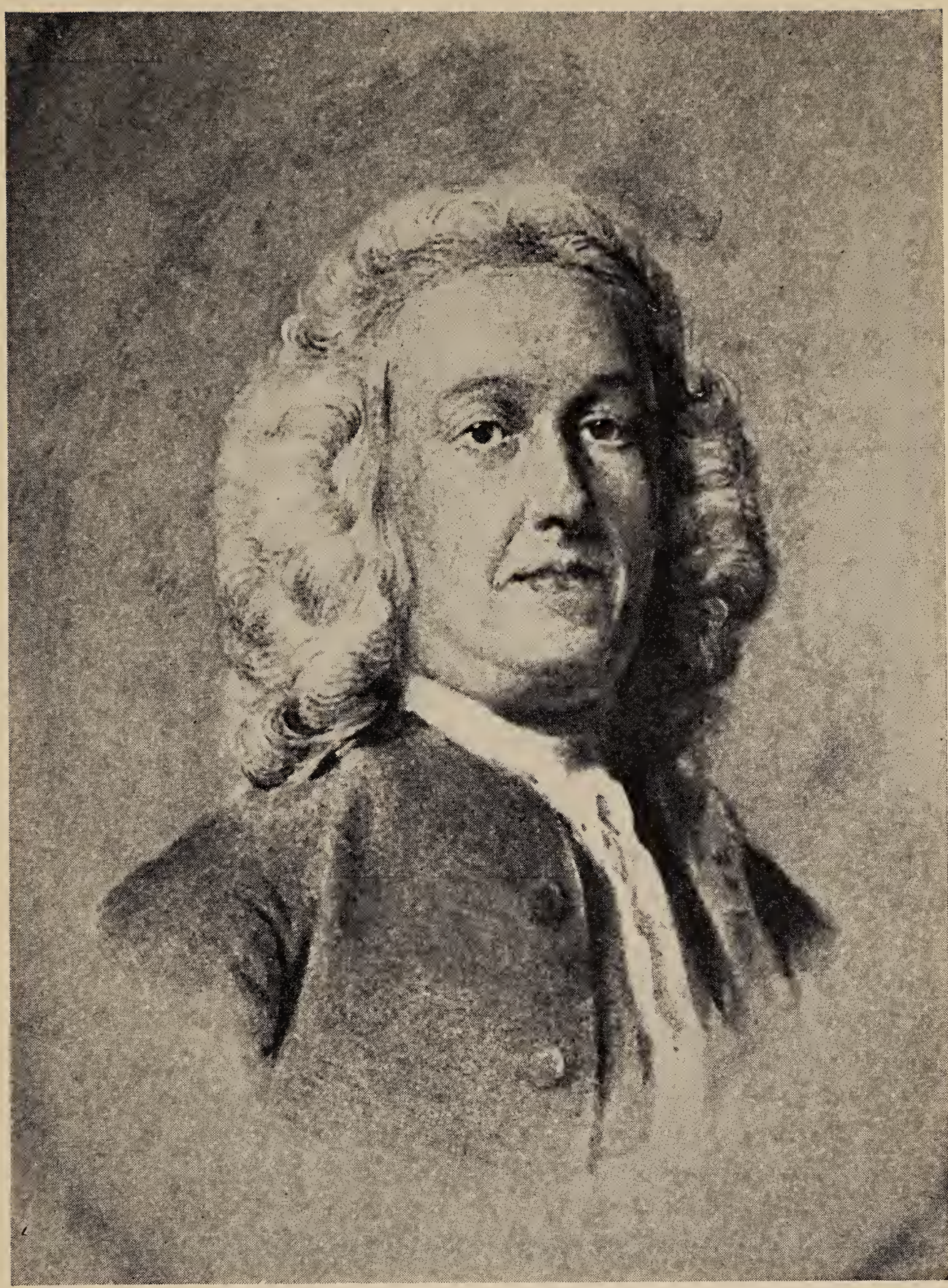
Adams then suggested impeachment of the judges by the House before the Governor and Council. "The company dispersed, and I went home. Dr. Cooper and others were excellent hands to spread a rumor, and before nine o'clock half the town and most of the members of the General Court had in their heads the idea of impeachment. The next morning early, Major Hawley, of Northampton, came to my house under great concern, and said he heard that I had yesterday, in a public company, suggested a thought of impeaching the judges; that report had got about and had excited some uneasiness, and he desired to know my meaning. I invited him into my office, opened the charter, and requested him to read the para-

graphs that I had marked. I then produced to him that volume of Selden's works which contains his treatise on Judicature and Parliament; other authorities in law were produced to him, and the State Trials, and a profusion of impeachments with which that work abounds." Hawley drove away to Cambridge to consult Judge Trowbridge and appealed to his conscience. The charter was called for; Selden and the State Trials were quoted. Trowbridge said to him what I had said before, that 'the power of impeachment was essential to a free government; that the charter had given it to our House of Representatives as clearly as the Constitution, in the common law or immemorial usage, had given it to the House of Commons in England.' This was all he could say though he lamented the occasion of it.

"Major Hawley returned full in the faith. The articles were reported to the House, discussed, accepted; the impeachment voted, and sent up in form to the Governor and Council; rejected, of course, as everybody knew beforehand that it would be; but remained on the journals of the House, was printed in the newspapers and went abroad into the world. And what were the consequences? Chief Justice Oliver and his Superior Court . . . commenced their regular circuit. The chief justice opened his court as usual. Grand jurors and petit jurors refused to take their oaths. They never, as I believe, could prevail on one juror to take the oath. I attended at the bar in two counties, and I heard grand jurors and petit jurors say to Chief Justice Oliver to his face, 'The chief justice of this court stands impeached, by the representatives of the people, of high crimes and misdemeanors, and of a conspiracy against the charter privileges of the people. I, therefore, can not serve as a juror, or take the oath'." This action of jurors was encouraged by commonly expressed public sentiment frequently reflected in passages of the "Suffolk Resolves" adopted by a Committee which met in Milton.

The Interval Without Courts (1775)

The last term of the "Superior Court of Judicature" before the Revolution was held in September, 1774. There was not,



From a mezzotint in The Massachusetts Historical Society

PETER OLIVER

however, any formal act of legislation vacating the offices of the judges of the courts until 1775. The court consisted, at the time of its dissolution, of: Chief Justice Oliver, Trowbridge, Foster Hutchinson, William Cushing, and William Brown. Washburn says: "The interval between the dissolution of the old courts and the organization of the new exceeded a year, but the defect of courts was in some places supplied by the establishment of local tribunals for the trial of causes, but more by the spontaneous action of the people in restraining crime and enforcing justice." . . . That the interval when there were no courts was not entirely free from the need of them, however, is shown by the following passage from the *Procedings of the Second Provincial Congress*: Hon. Joseph Hawley, from the committee to bring in a resolve for the regular administration of justice, reported the following:

"Whereas, it appears to this Congress, that a want of a due and regular execution of justice in this colony has encouraged divers wicked and disorderly persons, not only to commit outrages and trespass upon private property and private persons, but also to make the most daring attacks upon the constitution, and unite in their endeavors to disturb the peace."

If one applies a little imagination to the rather formal recital of facts in this report, which appears to have been written a little more than a month after Paul Revere's ride, the necessity for courts of some kind during that critical period readily appears.

Adams was appointed and accepted the appointment because he realized the importance of reorganizing the courts, and he was willing to put his neck in a "halter" by accepting the position as head of the court in order to get things started. *It took over six months to fill up the court.*

The Court appears to have been reorganized in the fall of 1775 as a court of five judges. John Adams, the first appointed chief justice, never took his seat and soon resigned, as he was too much occupied in aiding the country in other ways. William Cushing of Scituate was appointed chief justice and served until his appointment as one of the first judges of the Supreme Court of the United States in 1789.

SELECT BIBLIOGRAPHY

ADAMS, JAMES TRUSLOW.—*The Founding of New England* (Boston, Atlantic Monthly Press, 1922).

ADAMS, JAMES TRUSLOW.—*Revolutionary New England, 1671-1776* (Boston, Atlantic Monthly Press, 1923)—Both are intensely interesting, but somewhat excessively economic interpretations of our history.

ALDRICH, PELEG EMORY.—*Equity Pleadings and Practice in the Courts of Massachusetts* (Boston, 1885)—A law book with an historical introduction containing the history of the statutes.

ANDREWS, CHARLES MCLEAN.—"The Royal Disallowance" (Am. Antiquarian Assoc., *Proceedings,* New Series, Vol. XXIV, pp. 342-364, Worcester, 1914).

BAILEY, HOLLIS RUSSELL.—*Attorneys and Their Admission to the Bar in Massachusetts* (Boston, Nagel, 1907)—The fullest collection of material on this subject.

CARSON, HAMPTON.—"History of the Independence of the Judiciary" (*Mass. Law Quarterly,* Vol. II, pp. 363-373)—A vivid, brief story of "the struggle of a thousand years," in an address before the Pennsylvania Bar Association.

CHAMBERLAIN, MELLEN.—*John Adams* (Boston, Webster Historical Society, 1884)—Probably the best estimate in print of the work of John Adams.

CLUNE, MARY CATHERINE.—"Joseph Hawley's Criticism of the Constitution of Massachusetts" *(Smith College Studies in History,* Vol. III, pp. 1-54, Northampton, 1917)—Gives a brief but illuminating picture of this more-or-less forgotten but important man.

CUSHING, HARRY ALONZO.—*History of the Transition from Provincial to Colonial Government in Massachusetts* (Columbia Studies in History, Economics and Public Law, Vol. 88, No. 1, N. Y., 1896).

DAVIS, WILLIAM THOMAS.—*History of the Judiciary of Massachusetts* (Boston, 1860)—This book reminds one of the polite curate's answer to his hostess, who asked him how he liked his egg at breakfast. He answered, "Parts of it are very good."

FARNSWORTH, ALBERT.—"An Account of Shay's Rebellion" *(Mass. Law Quarterly,* Vol. XI, No. 5, pp. 29-42)—Perhaps the best account in print.

GRAY, HORACE.—"Notes on the Writs of Assistance," (JOSIAH QUINCY, *Reports of Cases Argued and Adjudged in the Superior Court of the Province of Massachusetts Bay between 1761 and 1772,* Boston, 1865) See Appendix I,—A mine of information, including a note on equity jurisdiction at pp. 537-539.

GRINNELL, FRANK WENTWORTH.—"History of the Right to Jury Trial in Massachusetts" (*Mass. Law Quarterly,* Vol. VIII, No. 5, pp. 7-50)—A study of the nature of the constitutional rights to jury trial. See also MASS. SUPREME JUDICIAL COURT: *Opinion,* Commonwealth *vs.* Rowe.

HILKEY, CHARLES JOSEPH.—*Legal Development in Colonial Massachusetts 1630-1686* (Columbia Studies in History, Economics, and Public Law, Vol. XXXVII, No. 2, N. Y., 1910)—A valuable discriminating account.

HOLMES, ABRAHAM.—*Address before the Bar of the County of Bristol, Mass., at New Bedford, June term, 1834* (New Bedford, Congdon, 1834)—An illuminating account of eighteenth-century conditions by an eighty-years-old practitioner.

KENT, JAMES.—"An American Law Student of a Hundred Years Ago" (Assoc. of Am. Law Schools, *Select Essays in Anglo-American Legal History,* 3 vols., Boston, Little Brown, 1907-1909)—See Vol. II, pp. 837 ff., for this vivid letter written in 1828, describing his self-training 1781-1798.

KNAPP, SAMUEL LORENZO.—*Biograprical Sketches of Eminent Lawyers, Statesmen, and Men of Letters* (Boston, 1821)—Contains side lights on men and practice in the midst of eulogy.

LECHFORD, THOMAS.—*Note-Book Kept by him in Boston from June 27, 1638 to July 29, 1641* (Cambridge, Wilson, 1885)—Edited by E. E. Hale, Jr.

LECHFORD, THOMAS.—*Plain Dealing* (London, Nath. Butter, 1642)—Written by the "only Lawyer" in the colony, who was really a "scrivener." Contains contemporary evidence mixed with criticism of church government. His *Note-Book* contains many forms of contracts, deeds, etc., as well as notes of his personal history as a lawyer.

MASON, ALBERT.—"A Short History of the Supreme Judicial Court of Massachusetts: Part I, Judicial History Prior to 1780" *(Mass. Law Quarterly,* Vol. II, No. 2, pp. 82-100)—The same account appears in WILLIAM T. DAVIS: The New England States, Vol. III, chap. CXXXIV. A careful and readable, brief account of seventeenth and eighteenth century courts.

MASSACHUSETTS *(Colony)*: COURT OF ASSISTANTS.—*Records of the Court 1630-1692* (2 vols., Boston, County of Suffolk, 1901, 1904).

MASSACHUSETTS *(Commonwealth)*: SUPREME JUDICIAL COURT.—"Opinion on Waiver of the Right to Jury Trial in Criminal Cases" *(Mass. Law Journal,* Vol. XII, No. 2, Appendix)—Case of Commonwealth *vs.* Arthur W. Rowe and another; opinion filed October 14, 1926.

MORSE, JOHN TORREY.—*John Adams* (Boston, Houghton Mifflin, 1900)—A good book by a readable writer.

QUINCY, JOSIAH.—*Reports of Cases Argued and Adjudged in the Superior Court of Judicature of the Province of Massachusetts Bay between 1761 and 1772; with an appendix upon the writs of assistance by Horace Gray, Jr.* (Boston, Little, Brown, 1865.)

CHAPTER VII

FINANCE AND PAPER MONEY (1692–1775)

By Davis Rich Dewey
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Taxation without Representation under Andros (1687–1689)

The forfeiture of the charter of the Massachusetts Bay Colony in 1684 and the instructions given to Sir Edmund Andros, who was commissioned Governor-General of New England two years later, profoundly affected the attitude of the colonists as to the fiscal support of the government. Andros was instructed, with the consent of the Council, whom he himself appointed and could remove at pleasure, to impose and raise taxes as he should find necessary for the support of the government. Although Andros did not upset the existing system of taxation, the right to exercise this power, irrespective of the methods used, was interpreted by the colonists as an arbitrary act of the English Crown. Self-taxation by elected town representatives was thus denied the colony. This led to bitter resentment and aroused suspicions which were not wholly allayed when the more liberal government of William and Mary was established in 1689.

Andros, indeed, made no change in the kind of tax assessment upon property and polls, and the rates imposed were not oppressive as compared with previous years; but the General Court was disregarded in the levy. Some of the towns promptly showed their resentment as to change in authority by refusing to levy the tax. The voters of Ipswich in town-meeting (as is set forth in the last chapter of Volume I of this series) resolved that the tax act "doth infringe their liberty as English subjects of his Majesty, by interfering with the

statute laws of the land, by which it was enacted that no taxes should be levied upon the subjects without the consent of an Assembly, chosen by the freeholders for assessing the same." Thus early was enunciated the principle of "No taxation without representation." Arrests were made, leading citizens imprisoned, and heavy fines imposed. Andros further intensified popular bitterness by instituting a system of exorbitant fees for the probating of wills and confirming of titles to lands, including grants which had been previously made under the charter, now declared void. For the former, 50 shillings was charged, and for the latter the expense, in addition to travelling costs, amounted in some cases to £50.

Andros did not long remain in power. That the colonists did not object to taxation, if raised by their own representatives, was promptly shown in 1690 when the General Court, resuming the exercise of its former privileges, authorized a levy of twenty rates. This, the largest tax which had ever been granted, was due to King William's War, the beginning of a series of conflicts between England and France. As each of these nations had settlements in America, the colonists were inevitably drawn into the struggle, for which they were poorly equipped with capital to be expended for supplies. Moreover, the withdrawal of settlers for prolonged military service meant a serious loss in productive power.

First Issue of Bills of Credit (1690)

The Massachusetts colony in particular overestimated its strength in a project to attack Quebec, for it was anticipated that the plunder of war would meet the expense of the undertaking. When the expedition failed, within a few weeks the surviving soldiers were back, clamoring for their pay, and even on the point of mutiny. The tax, ordered earlier in the year, had not yet been collected and there was little loanable capital which could be borrowed. The legislative assembly turned to promissory notes as a solution; and, December 10, 1690, the General Court, "being anxious to approve themselves just and honest" and to pay the indebtedness "with what speed they can," ordered the issue of £7,000 of indented bills of credit. These were to be in denominations ranging

from £5 to 5sh., to "be of equal value with money," and receivable for all public payments. The indenting of the notes refers to a device of engraved scroll-work at the edge where the note was separated from the stub. It was thought that by matching the note with the stub, it would be possible to determine whether a bill was good or counterfeit.

Undoubtedly the General Court was influenced in some degree in its decision to issue paper money by the scarcity of metallic money. For years there had been complaints due to the lack of a serviceable currency to carry on the trade of an expanding community. The rating of foreign coins at values greater than their intrinsic worth in order to keep them within the colony had proved ineffective; the establishment of Hull's mint and the coinage of shillings and smaller denominations gave but partial relief; and the colony outgrew the use of country produce as a medium of exchange. Proposals for some sort of credit money based upon real estate as well as metals were beginning to be put forth not only in the colony but also in England which was feeling the need of a more ample medium. In the colony, wealth lay in land; might it not be possible to issue credit notes based upon the security of pledged land?

Paper Money Schemes (1690)

In these days of abundant credit instruments, checks, drafts, bills of exchange, with thousands of banking institutions to facilitate their use, it is difficult to picture the embarrassments of a vigorous undeveloped industrial community which lacked these tools and agencies. The economic revolution of the seventeenth century was the development of trade. Interior transportation in America was difficult, and long intervals of time elapsed before the goods of the producer reached the hands of the consumer. Central markets for the distribution of goods had not yet been established. Without money, selling of goods depended upon barter or "trusting." Bartering did not afford a free market; and trusting was a hazard. Naturally the colonists sought for relief in a more ample supply of a medium of exchange.

In 1681 a minister of Newbury, Rev. John Woodbridge, gave voice to these complaints. "When coin is scarce, debts

are contracted; dilatory and shuffling payments made; young beginners are checked; good men laid open to temptations, and opportunities given to bad ones, that exact from those who must crave credit, or cannot make suitable pay." Trade was stinted; there was wrangling; perplexing suits consumed the time of the magistrates, and merchants beat down craftsmen who were helpless. Where money is "in plenty no buyer will be bound to one person, or market." Money "increaseth manufacture and provisions; abateth interest; inciteth to the purchasing of land; forwards the improvement both of real and personal estates; encourageth heartless idlers to work." To lessen existing evils he therefore proposed the establishment of "a fund of land," either by public authority or private persons. Credit bills based upon the security of land would have "real, durable and secure value."

The issue of the credit notes authorized by the General Court in 1690 were based upon public faith rather than upon the specific pledging of land; to the early colonists, who had managed their affairs as communities with common interests, this distinction might not appear important. Public faith was kept for a time and only gradually did the provincial government slip away from the standards originally set. It is not without interest to note that the colony entered upon this experiment of using credit money four years before the Bank of England, the first English corporation to issue circulating notes, was established in the mother country.

Taxation under the New Charter (1692)

The new charter of 1692 did not fully restore the freedom which the colonists had earlier enjoyed, but it was sufficiently liberal to check open opposition. Once more the General Court could originate revenue measures; and apparently the former privileges of the colony were restored. Yet in the background were sources of possible friction. A finance bill, like all other bills, required the assent of the Governor, who was appointed by the Crown; and the Crown might in its discretion, exercised through the Privy Council in England, disallow a bill signed by the Governor at any time within a period of three years after passage.

Moreover the method of forming the General Court was changed. It now consisted of two bodies—the House of Representatives and a Council of twenty-eight members. As the latter were chosen by the lower house, it might be inferred that popular rights were amply protected; but the governor had the right to reject any elected councillor, and could thus create a group who would be subservient to him. This tended to develop factions among the colonists themselves, and on no question were disputes more quickly aroused than on that of taxation.

The collection of taxes was greatly in arrears in 1692, owing to the previous unsettlement in colonial administration. The first General Court under the provincial charter acted promptly; it met in June, 1692, and forthwith passed an act for enforcing the collection of back colony taxes including those of 1689. Constables were ordered under severe penalties to collect and make payment to the county treasurer by November 1. If negligent, the county sheriff should levy upon the constable, and if "no goods could be found," the sheriff was ordered "to take the body of such constable or collector and commit him to prison." Moreover, the constables were ordered to collect the local town taxes in arrears, under penalty of a fine for each month's default.

For new revenue, the provincial legislators naturally favored the taxes with which they had been familiar. Assessment was not left to the selectmen of the towns; the citizens were instructed to assemble in town meeting and choose a commissioner to act with the selectmen, and these were to make "a true estimation of the just yearly value and income." A poll tax of 10 shillings was levied upon every male, sixteen years of age and over, except members of the Council, settled ministers and those devoted to the ministry, grammar schoolmasters, students of the college, and the old and infirm. Lands, houses, merchandise were assessed 30 shillings on every £100 of estimated income; and handicraftsmen and laborers also paid 30 shillings on each £100 of income. Cattle were valued at fixed amounts. Again provision was made for prompt payment, and administrative machinery was devised for equalizing assessments between towns and counties. The legislature showed

its independence in declaring that the act was "to continue in force only for this present levy and no longer."

Import, Excise, and Tonnage Duties

The General Court also passed an act for levying import, excise, and tonnage duties. The import duties continued to be little more than inspection fees. On a few articles the duties were specific, but the bulk of imports was taxed on a small ad valorem basis. On wines the rate varied from £1 to £2 per pipe (two hhds.); on rum, it was 6 pence per gallon; sugar, 1 shilling per hogshead; molasses, 6 pence per hogshead; tobacco, 6 pence per hogshead; logwood, 1 shilling per ton. On English merchandise, with few exceptions, the rate was half of one per cent, that is, 10 shillings per £100. On "other commodities" (that is, not English in their origin or specifically named above) the rate was 1 penny per 20 shillings of value as appraised in Massachusetts; while the rate on English goods was applied to British home valuation. The excise duties were of more importance; inn-keepers and retailers paid on wine from 6 to 12 pence per gallon, according to its vintage; on rum 1 shilling per gallon; and on ale, beer and cider, 1 shilling, 6 pence per barrel. Tonnage duties were levied on ships not owned by those "belonging to the province" at the rate of 12 pence, or one pound of good and new powder per ton. This act was also limited to one year.

While the foregoing acts were limited as to time, they are typical of the revenue legislation enacted year after year. As the colony increased in population and wealth, the total amount of revenue from these taxes naturally increased, but little effort was made to seek new sources of supply. Doubtless this habit of inertia in tax policy was subsequently influenced by a growing reliance to meet expenditures through the issue of bills of credit or promissory notes, which simply postponed the date of final settlement of obligations, but at the moment appeared to be a solution of fiscal needs.

Additional Issues of Paper Money (1694–1701)

The first issue of £7,000 of bills of credit was quickly "found to be far short" of what was necessary, and within a

few months the sum was raised to £40,000. To make them more acceptable for circulation, it was then authorized that they be receivable for taxes at a premium of five per cent; that is, 20 shillings of indented bills would be accepted for 21 shillings of public dues. The range of denominations was extended from 2 shillings to 10 pounds. Provision was also made that holders of the bills who would loan them to the government were to be specifically secured by taxes and reimbursed within twelve months.

These two first issues, however, did not represent the rampant spirit of inflation such as was seen a few years later. The colonial government in the French War was involved in a serious fiscal situation which had to be quickly met; and in pledging taxes and redemption within a year if the bills were loaned back to the treasurer, the General Court evidently regarded the issues as temporary financial measures rather than a means of supplying a more abundant medium of exchange.

At first there was some depreciation of the bills, due to distrust. The government of the colony was unsettled, owing to changes taking place in England in 1689 when William and Mary came to the throne; and undoubtedly the novelty of this new form of currency led to hesitation as to its acceptance in the general course of trade. In some cases, it is stated, the holders were glad to get rid of them at a rate of twelve to thirteen shillings to the pound.

Within two years after issue the entire amount was redeemed, but the legislators did not abandon this easy method of meeting immediate governmental expenditures. During the next ten years, further issues, amounting to £42,000, were authorized under more than a dozen different acts. Taxes however, accompanied each issue, and the total amount of taxes equalled the issues. Redemption went hand in hand with forced borrowings, in anticipation of taxes. As redemption was constant, distrust practically disappeared, and there was little depreciation after the first shock.

Irredeemable Issues (1702–1713)

Another war with France, Queen Anne's War, which lasted from 1702 until 1713, imposed new financial burdens upon the

Province. Massachusetts settlements were threatened by the French and Indians; Deerfield was destroyed in 1704; and, nearer the seat of government, Haverhill was attacked in 1707. An expedition against Port Royal (1707) proved unsuccessful. To protect home hamlets and to finance distant expeditions required funds.

Hence the issue of bills of credit was speeded up, while there was a slackening in measures taken to secure retirement. In 1705 the redemption of bills issued in that year was put off until 1707; a two-year extension instead of a one-year interval marked a wavering in public faith. For the issues emitted between 1706 and 1711, the redemption period was prolonged to three years; then five years; and for those put out in 1715 the redemption date was seven years away, 1722. In only two years between 1702 and 1713, the period of war, were the retirements as great as the issues, and in two of the years not a single note was called in. The figures for outstanding notes tell in bold outlines the story of the error which brought so much confusion and hardship. In 1710 the amount outstanding was £115,000; in 1720, £229,500; in 1730, £311,-300; in 1740, £205,000; and in 1750, £1,819,800. As a contemporary writer notes: "Thus naturally, instead of providing for posterity, they proceeded to involve them in debt."

Loan Bills and Loan Banks (1705–1729)

In Massachusetts, private banks to loan notes based upon real estate, personal security and merchandise, were advocated in the latter part of the seventeenth century, and some experiments were made in that direction. Of their history, little is known; they were certainly short-lived, and it is probable that the issue of government notes in 1690 checked the development of institutions of this character. There was, however, a growing demand that private individuals be permitted to form partnerships to emit bills on security. In 1711, the provincial assembly authorized a loan to merchants to enable them to furnish supplies for an expedition against Quebec. The loan was to be paid back in two years, as it was expected that reimbursement would be made by the home government within that period. Inasmuch as the expedition failed, the accounts

were not promptly settled and the bills circulated beyond the due date. The foregoing method was a step toward private initiative in the circulation of notes; and it was easy to argue that groups of individuals be given greater privileges.

If notes were advantageous for carrying on the affairs of government, might they not be serviceable to private individuals for trade and commerce? The provincial Assembly, however, was loth to surrender its prerogative of issue, and there was substituted a rival scheme for the establishment of a public bank. In 1714 a more general loan of £50,000 was authorized, open to the inhabitants of the province to borrow on real estate security. The General Court was solicitous that this loan should be available to all, and hence provided that it should be apportioned to the several towns according to the amount they contributed in taxes.

This was but a beginning of public loans made for promoting the trade and produce of the province. In 1716 another loan of £100,000 was made to the people, distributed through the counties; in 1721, £50,000 was loaned to towns; and again in 1728, £60,000 to towns. The towns in turn loaned the amount apportioned to them in small sums to individuals who applied for credit. In Haverhill, the loans were limited to amounts ranging from £10 to £20; in Braintree, not less than £20 or more than £25, at six per cent interest for the loan of 1720; and for the loan of 1728, the amounts ranged between £10 and £40. In Newbury the limits were £10 and £30; the town paid four per cent interest and charged five per cent. These figures indicate that the class of small proprietors who were in financial difficulties advocated the extension of public credit, and through it obtained temporary aid. Few of these loans were liquidated by the towns, according to the terms of the loan, and some of them were never fully paid.

As might be expected, the continued issue of non-redeemable paper money plunged the colony into financial disorder, and this continued through the first half of the eighteenth century. It affected both the political relationships of the colony to England and the social and economic development of the province. The experience of this period is in striking contrast to the stirring exploits of settlement and upbuilding of institutions in the previous century.

Valuation of Coins (1642–1713)

The experience of this period, however depressing, is nevertheless most significant for the correct understanding of the causes which led the colony to take a leading part later in the Revolution of 1775. As a by-product, the period also furnishes a social laboratory experiment which clearly illustrates the inevitable operation of economic laws.

To understand fully the significance of the long altercation over the currency, it is necessary to explain more fully certain monetary terms and technical operations which are not familiar to present-day life. The early colonists kept their accounts and made their reckonings in trade in terms of English pounds, shillings and pence. They, however, had very few of the coins which corresponded to these units. Rather they used the Indian wampum, such commodities as beaver skins, corn, and country produce, or the coins of Spanish American colonies. The most familiar Spanish coin was the piece of eight reals, later known as the dollar. There were several varieties of the piece of eight, the Seville, Pillar, and Mexico being the most common, varying slightly in content of pure silver. These differences, however, may be neglected and 386.89 grains of silver accepted as the standard weight of an ounce. An English shilling contained 85.93 grains of pure silver; consequently the value of a piece of eight at the period of the first settlements was 4s. 6d.

If this relationship between the dollar and the English money of account had been continued there would have been less confusion in subsequent controversy and legislation. Unfortunately the colonists at an early date took a misstep which led them into still worse difficulties. Back in 1642 the General Court, to avoid misunderstandings which might arise in regard to the value of the foreign coin, declared that the Spanish dollar was worth 5 shillings. This over-valuation of sixpence to the dollar was also due to a belief that, by making the coin worth more in Massachusetts than it was abroad, the coin would stay in its new home and not be exported. It must also be remembered that expert knowledge and advice was not then available as to the real value of the motley variety of coins which followed the opening up of the mines of Mexico

and South America. By the foregoing action the legal specie content of the shilling was in reality 77.38 grains of silver, instead of 85.93.

This tampering with the mint ratio of true valuation was not at the time serious, inasmuch as many of the Spanish coins which came in were below full weight, having been clipped or otherwise mutilated. The legislation prepared the way, however, for the next error. In 1652 Hull's duly and legally authorized mint began the coinage of the celebrated "Pine Tree" shillings which had only 66.6 grains of silver. This was a depreciation of 22½ per cent. In other words, the piece of eight was made equal to about 6 shillings of colonial coinage. Other colonies were following the same policy of over-valuation in the hope of preventing exportation of coins.

Finally this confusion aroused the home government to action; in 1704 a royal proclamation was issued ordering that the Spanish piece of eight should not be valued at more than 6 shillings—a relation which continued in the New England mind till near the end of the nineteenth century. Some of the colonies, however, found an easy way to avoid this restriction, by a legal valuation of an ounce of silver, instead of the silver dollar. Massachusetts at first did not seek this policy of evasion, but later adopted it in order to legalize depreciation.

Conflicts with Governors over Finance (1703–1727)

The governors, who received their instructions from England, attempted to curb the General Court in its issues of paper money. This effort was unsuccessful. Inasmuch as the governor's salary was paid by the colony, and not by the Crown, the provincial Assembly quickly found that it could force the governor to assent to measures to which he was opposed both by conviction and by instructions from England. Bills could be redeemed only by taxation, and the legislative branch maintained a jealous attitude over this privilege. In 1703, Governor Dudley cautioned the Court that it make "good the votes of the last Assemblies in raising the tax for the bills already issued;" in 1708 he was "sensible of the great service and benefit we have by bills of credit;" but "it behooves us to be

very jealous of their disparagement." Again in 1712 he called for legislation which would "honor" the outstanding bills. Little attention was given to this advice. When in 1715 the representatives decided that only a part of the bills due that year should be called in, and the governor protested that this would lead to further depreciation, the legislators gave no heed.

Governor Shute, who succeeded Dudley, was even more explicit in his demands and referred to the "intolerable discount" on bills: "We shall never be upon a firm and lasting foundation 'til we recover and return to silver and gold, the only true species of money." In 1721 he was instructed by the English Board of Trade, which supervised colonial affairs, to submit to the Crown for approval all acts authorizing the issue of bills of credit, unless the same were put out to meet necessary charges. The representatives quickly seized the opportunity to uphold their prerogatives. They asked if bills issued to meet charges for salaries, including his own, came within his discretion without submission to the Crown. The Governor, who was dependent upon the legislature for his salary, decided that an appropriation of this nature was a "necessary charge" and did not require royal approval.

In 1727 Lieutenant-Governor Dummer objected to an issue to be loaned to the towns; the representatives retaliated by refusing to pass a tax bill. For months the dispute continued, and salaries were held up. Finally Dummer gave way, signed the loan bill, and wrote to the Lords of Trade that he was in a "difficult and dangerous place."

Governor Belcher's Distress (1730–1741)

Governor Belcher took office in 1730 with more explicit instructions. Disbursements were to be controlled by the governor and Council; if these were less, the need of emissions would not be so great. The representatives, however, had the whip hand and again refused to make appropriations for salaries. This resulted in the accumulation of a large amount of unfunded public indebtedness. Finally in 1733 authority was granted for the issue of £76,500 in bills of credit, and once more the paper money advocates won. Belcher, however, was warned by the home government that, if he yielded again, it

would be "under pain of our greatest displeasure and of being immediately recalled."

The plight of the governor under these circumstances is well illustrated by the complaints which that Governor repeatedly made during his term of office. In a letter to the Board of Trade, October 29, 1731, he wrote that he had "industriously labored" with the Assembly to allow him £3,000 instead of the £1,000 granted to Governor Shute. Owing to depreciation, £3,500 of province currency was worth only £1,000 sterling, and all additional perquisites amounted to only £100 sterling. He hoped that the English government would permit him to receive the salary granted, even though the Assembly did not conform to the royal instructions not to emit bills of credit. "It cannot be judged just, reasonable, or honorable, that I must live upon air, or consume my own fortune."

He also noted that there was at that time nearly £20,000 due for the support of the military garrisons and other services, and not a shilling in the treasury for many months. "Nor will the representatives grant any money unless they can have the supervising and proving every account." And to another correspondent he wrote that he was having a "hard, cruel time of it."

In 1732 he again informed the Lords of Trade that more than £40,000 was due the garrisons for nineteen months' pay. By 1734 the pay for soldiers and salaries for judges was nearly three years in arrears. As for himself, Belcher declared that his £3,000 salary was not worth £750, and did not defray his annual expenses. Later he accused the Assembly of trying to starve him for not signing a bill for the emission of new credit notes. In 1741, when he lost his position, the arrears in his salary amounted to £14,000.

New Tenor Bills (1730–1741)

Although the Assembly was willing to sacrifice Belcher and the other officials appointed by the English government and subject them to financial embarrassment, in order to assert its own independence of control, it did make some effort in the decade 1730-1740 to reform the currency. During this period

the currency disorder was aggravated by the circulation in Massachusetts of Rhode Island bills of credit and by private notes issued by Boston merchants upon their own credit. Further depreciation took place and silver rose from 19 shillings (paper) to 27 shillings per ounce. Governor Belcher seized the opportunity to press the need of remedial legislation, and recommended the issue of bills which should "carry the value of money." The Assembly was not willing to abandon totally its former position, but did modify its faith in depreciated currency. It made a compromise by an issue of bills of credit, in form such as had been emitted in the past, combined with another issue of twenty-shilling notes, equal in value to three ounces of coined silver. It was also ordered that these should circulate at the rate of one for three of the old tenor.

This latter issue was an approximate return to the value laid down in the Proclamation of 1704. These bills were technically known as new tenor, as distinguished from the previous issues, which were henceforth known as old tenor bills. It was difficult, however, at that time to undo the accumulated errors of forty years. Popular opposition was raised to any decrease in the old tenor bills; large emissions were demanded in the interest of trade; and deputies from some of the towns were instructed to withhold supply bills unless the new tenor bills were withdrawn, since they appeared to disparage the old tenor bills. On the other hand, the English government gave instructions that all bills must be retired by 1741. A slight progress was made in that direction; more bills were retired than issued, and the amount outstanding reduced from £311,300 in 1730 to £205,000 in 1740. Inasmuch as the annual tax levy at that time did not average £30,000, it is difficult to see how the royal instructions to retire the bills could have been enforced without aid from England, or else the imposition of a heavy loss upon the holders of notes. The colonists were not disposed to consent to the heavy tax rate which immediate retirement demanded.

Depreciation of Paper Money (1704–1750)

As the result of the excessive and repeated issues of paper notes, the bills depreciated in value and all the evils of inflation

appeared. Prices rose; exchange with England was disorganized, and commercial dealings were infected with speculation. The evidence of depreciation is seen in the quoted prices of an ounce of silver. At the time of the royal proclamation in 1704, establishing the rates of foreign coins as measured in colonial money units, an ounce of silver was worth 7 shillings. In 1712 it was worth 8 shillings in Massachusetts bills; in 1720, 12 shillings; in 1725, 16 shillings; and ten years later, 27 shillings.

Hutchinson, intimately acquainted with the affairs of the colony, states that in 1720, "the depreciation was grievous to all creditors, but particularly distressing to the clergy and other salary men, to widows and orphans whose estates consisted of money at interest, perhaps just enough to support them, and being reduced to one-half the former value, they found themselves of a sudden in a state of poverty and want." Possessors of notes and obligations not due for several years were defrauded of one-half their dues when settlement was made; for owing to the increase of prices, the purchasing power of money was lessened proportionately. Lessors on long leases lost more than half of the rent of their land. Public officials, when salaries were not increased, had equal cause for complaint.

Laborers, mechanics and all persons who were paid wages suffered, for prices of commodities increased more than wages. Butter, for example, rose from 4d. a pound in 1712 to 20d. in 1740, while the wage of a carpenter rose from 5 shillings a day to 12 shillings. In so far as butter represented the food cost of living, this increased 5 times, while the wage increased only 2 and 2/5 times. At the earlier date the carpenter could purchase 15 pounds of butter with a day's work; in the later year, only 7 pounds.

A minister, who for forty years kept a careful record of household accounts, stated in 1747 that certain supplies which cost £1 10sh. 10d. at the beginning of the century, had advanced in price to £15 2sh. 6d. Wheat had risen from 5sh. per bushel to 25sh; Indian corn from 3sh. to 20sh; beef from 2½d. a pound to 1sh. 6d; and shoes from 5sh. to 60sh. In a few towns, as in Weymouth, the minister's salary was auto-

matically adjusted to the price level as measured in wheat, rye, pork and beef.

Commercial and Social Effects of Inflation (1704–1750)

Trade with England was embarrassed. There was no stability in the rate of exchange on London. In 1700, the province was practically on a specie basis, and exchange was quoted at its normal par rate, namely, 133 1/3. Exchange mounted to 270 in 1722; 500 in 1737; and 1100 in 1749. Still further evils appeared, besides those due to violent fluctuations in foreign exchange. English merchants who exported goods to the colony suffered great loss. They sold on long-time credit, for the colonists were in no position to meet sight drafts; and if they sold in terms of Massachusetts money of account, they lost by the depreciation of the notes. Agents or factors living in Boston, who imported on credit and had to settle with their English correspondents in silver, were often ruined. Peter Faneuil in 1737 announced to his foreign correspondents that he would accept no more commission business from anyone, owing to the "badness" of trade; for shopkeepers were twelve months and sometimes two years behind in payment.

Fluctuating prices created instability in economic and social life. As another writer expressed it, the whole country is "utterly unhinged and no man knows what to ask for what he sells, nor what he receives for his labor or commodity." The bills of credit were never explicitly declared to be legal tender for private transactions, indirectly, however, they were given this quality. In 1712 it was enacted that a tender of bills would stay an execution by court procedure. In other words, the creditor could not enforce by judicial processes the payment of a debt if offered paper.

Inflation had more far-reaching effects than creating economic disorder. Traders and merchants were stimulated to speculate when prices were constantly advancing. Stocks of goods purchased today were sure to be worth more, measured in money units, in the not distant future. Merchants purchased freely from England and increased the market for luxuries. "The people had thereby means put into their hands

of gratifying their gay and sensual dispositions. . . . The issue and consequence of these things is that the affectation and use of gayety, costly buildings, still and other strong liquors, palatable though unhealthy diet, rageth with great impetuosity." And another writer described the situation by this sweeping verdict: "The longer we go on in this method of yearly emitting bills, the more will our vanity and sensuality, oppression, unrighteousness, and confusion increase."

Private Efforts to Float Notes (1714–1746)

Reference has already been made to the loan bills or loan banks established under government authority, beginning with 1714. Owing to the scarcity of money, there were many who favored also private banks which should have power to issue notes and make loans. A project of this nature was urgently put forward in 1714 as a substitute for the loan bank, and a legislative committee reported in favor of such an institution. " 'Tis not propounded to be a bank of money (which is liable to inexpressible and unforeseen hazards), but of credit to be given forth by bills; not on money advanced, as in other banks, but (on lands or goods aforesaid) to supply such as cannot get money."

Naught came of this plan, for the legislature preferred to keep control of all issues. A Boston merchant, John Colman, was one of the petitioners for this bank; and though unsuccessful, he did not allow the proposal to go unheeded. In 1720 he published a pamphlet, *The Distressed State of the Town of Boston and Humbly Proposed Methods for Redress,* in which he rehearsed once more the embarrassments occasioned by an inadequate supply of a monetary medium and advocated the establishment of a private bank to be founded by owners of real estate. Upon the basis of this property, notes could be safely issued and loaned.

The colonial government, however, was involved too deeply in its own issues of bills of credit and loan bills, and again the proposal was neglected. In 1733 some Boston merchants formed an unincorporated company and without legislative authority emitted £110,000 of notes, redeemable after ten years in silver at 19 shillings per ounce. These were known as

merchants' notes, and accustomed the community to the use of credit based neither upon public faith nor upon any specific private capital. The security of the notes depended solely upon the solvency of the merchants. Inasmuch as silver rose rapidly in value compared to paper on account of the continued large governmental emissions of paper currency, the merchants' notes went to a premium and were soon hoarded.

In 1740 the date approached on which all public credit bills must be retired according to the command of the English government. Colman again brought forward his project of 1714 and 1720 and quickly secured four hundred subscribers to a company for the emission of bills based upon real estate. Incorporation was sought, but without waiting for legislative sanction the company began the issue of notes. The subscribers to the capital stock agreed to receive the bills as equivalent to money, on the basis of a silver valuation at 6sh. 6d. an ounce. Redemption of notes was promised at the end of twenty years in produce or in manufactured commodities, as hemp, flax, cordage, and iron. The volume of notes to be issued was limited to £150,000. Many towns voted to receive the notes in payment of local taxes, and the number of subscribers increased to a thousand.

The scheme naturally was not acceptable to Governor Belcher and the Council which he controlled. The House of Representatives was divided; the supporters of the bank, although unable to secure its incorporation, were, however, strong enough to prevent a vote of condemnation. Belcher announced open war on the plan and ordered all office-holders holding commission under the Crown, as justices of the peace and military officers, not to encourage the passing of land bank notes on pain of removal from office. Resignations and dismissals followed, and for a brief time there was fear of violent resistance to the government. The storm soon blew over, for popular confidence in the notes diminished. The English government also showed its disapprobation of private individuals engaging in floating stock undertakings without express statutory authority, and extended the Bubble Act of 1720 in its application to the colonies.

By far the larger part of the bills of the Land Bank were redeemed, but owing to the dishonesty and insolvency of some

of the holders, the accounts were never satisfactorily settled. For more than twenty-five years, there was litigation, legislation, and meetings of committees devoted to the consideration of this troublesome affair.

Effect of the Bank Project (1740–1755)

A more conservative group of Boston merchants lacked confidence in bills based upon land and its produce, and founded what is known as the Silver Bank. The subscribers agreed to emit bills which should have the value expressed in silver at a given rate per ounce, to refuse bills of other colonies not redeemable in gold or silver, except at a discount, and not to receive the notes of the Land Bank. The notes were made payable in 1755, in silver, on the basis of 20 shillings for an ounce of silver and on a sliding scale upward if redeemed before that date. The redemption rate in 1741, for example, was on a valuation of silver at 28sh. 4d. per oz. For a time there was a bitter rivalry between the supporters of the Land Bank and the Silver Bank. The latter, though ostensibly in the interest of a sounder currency, met with the same fate as the Land Bank. Parliament would not tolerate the issue of notes of any sort by a private corporation without its own sanction.

The suppression of the Land and Silver Banks had more far-reaching results than checking a foolish financial experiment. By many it was regarded as an unjustifiable interference with local liberties, and helped to develop discontent with government by England. A majority of the House of Representatives were abettors of the Land Bank scheme; and while many in the colony recognized the possible evils of the project, the arbitrary extension of the Bubble Act, originally designed for England and Ireland, excited so general a feeling of hostility at English interference that any good from efforts in the way of educating the people to sounder ideas was largely lost. Franklin in 1766 told England that one of the reasons for the ill feeling in America toward her authority was the prohibition of paper money.

Shirley's Effort for Reform (1741–1748)

In 1741, a new governor, Shirley, had the responsibility of solving the currency problem. By royal instructions, outstanding bills were to be immediately retired; thereafter the amount in circulation was to be limited to £30,000, used solely for annual expenses in anticipation of taxes. The situation indeed was desperate. More than £320,000 of taxes, which had previously been authorized for the redemption of notes, had never been collected; and there were outstanding £105,525 in bills which were not supported by any authorized taxation.

The legislature endeavored to meet the wishes of the Governor, and passed an act providing for a levy of taxes in 1742-43 to retire the bills for which no support had previously been given. It also authorized the issue of £30,000 permitted by the English government, assigning to these the same value as the new tenor bills—the twenty-shilling note being equal to three ounces of silver.

In recognition, however, of the further depreciation of the old tenor notes, it was ordered that the new note should be equal to four of the old instead of three. This introduced still greater confusion and embarrassment in trade. There were now three classes of bills in circulation. The new bills took the name of new tenor, and the former new tenor bills were called middle tenor or first new tenor. These had the same value in silver, but a difference in their exchange value for old tenor notes. The legislature, however, was lax in its requirements for the redemption of the new notes. Taxation for retirement was spread over several years, and it was permitted to offer commodities for redemption of notes.

Whatever progress might have been made in the next few years to restore a sound currency was destroyed by the renewal of hostilities between France and England in 1744, lasting until 1748. The colonies had to assume no inconsiderable amount of the expense of military operations in America. Royal instructions removed all restrictions upon the issue of bills in so far as they were necessary for the defense of the province. It would be tedious to enumerate the emissions made in the next few years; they amounted to approximately £700,000 sterling, or £2,800,000 in old tenor bills, converted at

the rate of four to one. Some retirements were made, but the total amount outstanding rose from £305,000 in 1744 to £2,100,000 old tenor in 1749. Depreciation rapidly followed with the succession of issues; in 1744 an ounce of silver was valued at 30 shillings in old tenor bills; in 1749 at 60 shillings. It was in this contest with France that the Massachusetts troops under William Pepperell were so fortunate as to capture Louisbourg on Cape Breton Island (June, 1745). This victory aroused great enthusiasm, both in the colony and in England (as appears in other chapters in this volume); and the colonists were quick to take advantage of it in their financial affairs.

Resumption of Specie Payments (1745–1750)

In July, 1745, the House of Representatives petitioned the English government for financial assistance to meet the heavy expenditures occasioned by the Cape Breton expedition; but nearly three years elapsed before the House of Commons voted (April, 1748) in favor of reimbursement to the amount of £183,649. Further delay then arose in England over the method of payment. To what colonial agent should it be paid and what security should he give? In the colony there was sharp dispute on another facet of the discussion—how was the indemnity to be used? Should the bills be redeemed at once, or by installments over a period of years? Not only the paper money party, but merchants who feared embarrassments from a too sudden shift to a metallic currency, advocated the latter course. The conservatives, in favor of immediate resumption, won; and early in 1749 the legislature voted that after March 31, 1750, the treasurer should redeem outstanding bills in silver at the following rates: for every 45 shillings in old tenor bills, one piece of eight; and for every 11 shillings, 3 pence in middle tenor and new tenor bills, one piece of eight. One year was given for redemption. All subsequent contracts were payable in coined silver.

In September, 1749, the Boston colonists witnessed a novel sight. The silver freighted from England arrived in Boston; seventeen trucks laden with 217 chests of Spanish silver coins and ten trucks with 100 casks of copper coin were hauled up

King Street and delivered at the office of the provincial treasurer. The £183,649, however, granted by Parliament was not quite sufficient to liquidate all the outstanding paper money; and a colonial tax was therefore laid, payable in new and middle tenor notes. Approximately the paper currency was redeemed at the rate of 7½ paper to 1 specie.

Resumption was effected without any serious shock to trade and industry. John Adams, who was a boy during this transition period, wrote in later life: "I am old enough to have seen a paper currency annihilated at a blow in Massachusetts in 1750, and a silver currency taking its place immediately, and supplying every necessity and every convenience."

In some of the country towns where there were numerous advocates of paper money and many former friends of the Land Bank, at first a disposition appeared to oppose the operation of the resumption act; but it came to naught. Affection for paper was humorously expressed in the following extracts from a ballad published in 1750.

"A mournful lamentation for the sad and deplorable death of Mr. Old Tenor, a native of New England, who after a long confinement, by a deep and mortal wound which he received about twelve months before, expired on the 31st day of March, 1750.

"Yea, good OLD TENOR, fare thee well,
Since thou art dead and gone
We mourn thy fate, e'en while we tell
The good things thou hast done.
Since the bright beams of yonder sun
Did on New England shine,
In all the land there ne'er was known
A death so mourn'd as thine.

"Of every rank are many seen,
Thy downfall to deplore;
For 'tis well known, that thou hast been
A friend to rich and poor.
We'll o'er thee raise a SILVER tomb,
Long may that tomb remain,
To bless our eyes, for years to come,
But wishes, ah! are vain."

The General Policy on Paper Money

The resumption of specie payments also marked the initiation of sound public credit. When in need of funds, the treasurer borrowed money at interest for brief periods of time, repaying the loans by taxes when received. The French War (1756–1763) nearly wrecked this policy; but, at the beginning of the campaign, Governor Shirley loaned to the province £30,000. In 1756, Parliament granted £115,000 to the New England colonies, of which nearly half (£54,000) fell to Massachusetts, and from this Shirley was reimbursed. Later, in 1761, Parliament made a further grant of £200,000 to all the colonies, of which Massachusetts again received a substantial share. These grants made it possible for the province to avoid financial errors such as characterized the finance of previous wars.

The policy of issuing credit money which involved Massachusetts in a half-century of embarrassment must not be judged as an isolated case of error. Other colonies were equally at fault. The neighboring colonies, New Hampshire, Rhode Island, Connecticut and New York, all issued notes previous to 1711. Especially did the Massachusetts colony resent the flood of bills which flowed in from Rhode Island. Competing currencies provided Massachusetts an easy excuse for issuing notes on her own account, both for self-defense and in retaliation. Pennsylvania (1723), Maryland (1734), Delaware (1739) and South Carolina (1712), though not so prompt in adopting a paper money policy for meeting the expenses of government, quickly followed the example of Massachusetts, and thus gave support to the inflationists.

Property Taxation (1692–1769)

As has already been stated, the development of a proper fiscal policy through taxation was held up in large part because of the easy reliance upon promissory notes, and above all because of the unyielding opposition to making any concession to the English government, which might be interpreted as acknowledging a change in the privileges of the original charter. The point at issue was not the burden of taxation, for that

burden was not great when compared with the increasing population and increasing wealth. In the closing years of the seventeenth century, the Province of Massachusetts paid an annual average tax of £12,000; in 1740 when the population was more than twice as great, the tax was about double (£25,800). Beginning with the provincial period (1692) the average annual tax levied was approximately as follows by decades:

1692–99	£12,000	1730–39	£25,000
1700–09	18,000	1740–49	39,000
1710–19	15,000	1750–59	48,000
1720–29	16,000	1760–69	53,000

In the first period, assuming a population of 60,000, the annual per capita tax amounted to only four shillings; in 1765, when a census returned a population of 225,000, the per capita burden was only a trifle higher, notwithstanding that the public needs of government were far greater. However, the province tax was not the only tax which the colonists had to pay. With the growth of community life and towns, local taxes assumed an increasing importance; and by the middle of the century, they were greater than those paid into the provincial treasury. Colonial taxation was undertaken somewhat more energetically after 1740, when Governor Shirley had received instructions to prevent any further issues of paper money; and additional effort was made after redemption was effected in 1751. Even then the burden of taxation for the support of the provincial government was not great.

In 1692 Boston paid about 15 per cent of the colony's tax, followed by Ipswich, 6 per cent; in 1742 the metropolis paid 18 per cent, and Salem was the next richest town, contributing 3 per cent. After the middle of the century, the proportion of Boston declined, owing to the growth and prosperity of other towns; in 1761 its share in taxation was only 11 per cent, and in 1772 but 9 per cent.

The tax on property was practically uniform after 1692 at the rate of one penny per pound. The colonial valuation of property for purposes of taxation was arbitrary; and, from the point of view of modern practice, scandalously low.

Although prices rose, the valuation of staple produce and commodities subject to taxation rarely changed. Cows, for example, in 1694 were listed at £1, 10sh. each, and this valuation was continued through successive tax bills throughout the entire provincial period. Swine likewise were uniformly listed at 8sh., and the valuation of sheep, which remained at 4sh. each until 1731, was then reduced to 3sh.

Undervaluation of all property was the common practice in town valuations. An assessment list of Haverhill for the year 1767 lists 281 dwelling houses at the uniform rate of £5 each; 19 mills at £6 each; trading stock was assessed at 6 per cent of its real value. Money at interest was also listed at only 6 per cent of the true amount. Reckonings of this sort naturally gave an insignificant, low valuation; and attempts to raise taxes by raising assessments would tend to create a hostile attitude to sound revenue procedure.

Poll and Excise Duties (1692–1765)

The poll tax, however, varied greatly, ranging from two shillings, from 1704 to 1713, to £1 in 1725; and it was through this tax rather than the levy on property that flexibility was introduced into the revenue system. In this respect, the tax system was exactly the reverse of modern practice: the poll tax is now a fixed sum per person, while the property rate varies.

As stated in a previous paragraph, excise duties were levied at the beginning of the provincial period, as they had been throughout the seventeenth century, upon innkeepers and retailers of wine, rum, ale, beer and cider. These taxes were imposed in the interest of morals as well as revenue. As the colonists became more sophisticated in their use of liquors, excise duties were imposed in 1737 upon lemons and limes used by innkeepers in the making of punch, and later (1751) oranges were included.

In the same year (1737) taxes were placed on the use of a coach, chariot, chaise, calash and chair, the rates varying from 50 shillings on a coach or chariot to 20 shillings on a chair. Similar duties, though at lower rates, were tried between 1753-57, the proceeds to be used for the promotion of domestic

manufactures. Here again the yield was insignificant, for comparatively few of these vehicles were in use at the time. According to returns of the treasurer there were less than twenty coaches and chariots, and about 1200 chaises and chairs.

Of more importance, considering the subsequent legislation of the English Parliament, was the imposition of excise duties by the Massachusetts General Court upon tea, coffee, arrack, snuff, and chinaware. The first attempt (1749) in this direction was unsuccessful, for the act was disallowed on the ground that it interfered with British trade. A few years later (1756) when there was a pressing need for maintaining two armed vessels, the legislature again turned to these luxuries as fit subjects for taxation; and on this occasion, war being in progress, there was apparently no objection. The rates were: tea, 6 pence per pound; coffee, 2 pence per pound; and chinaware, 5 per cent ad valorem. Later (1763), though the war was over, these duties were continued.

Revenues from Lotteries (1745–1765)

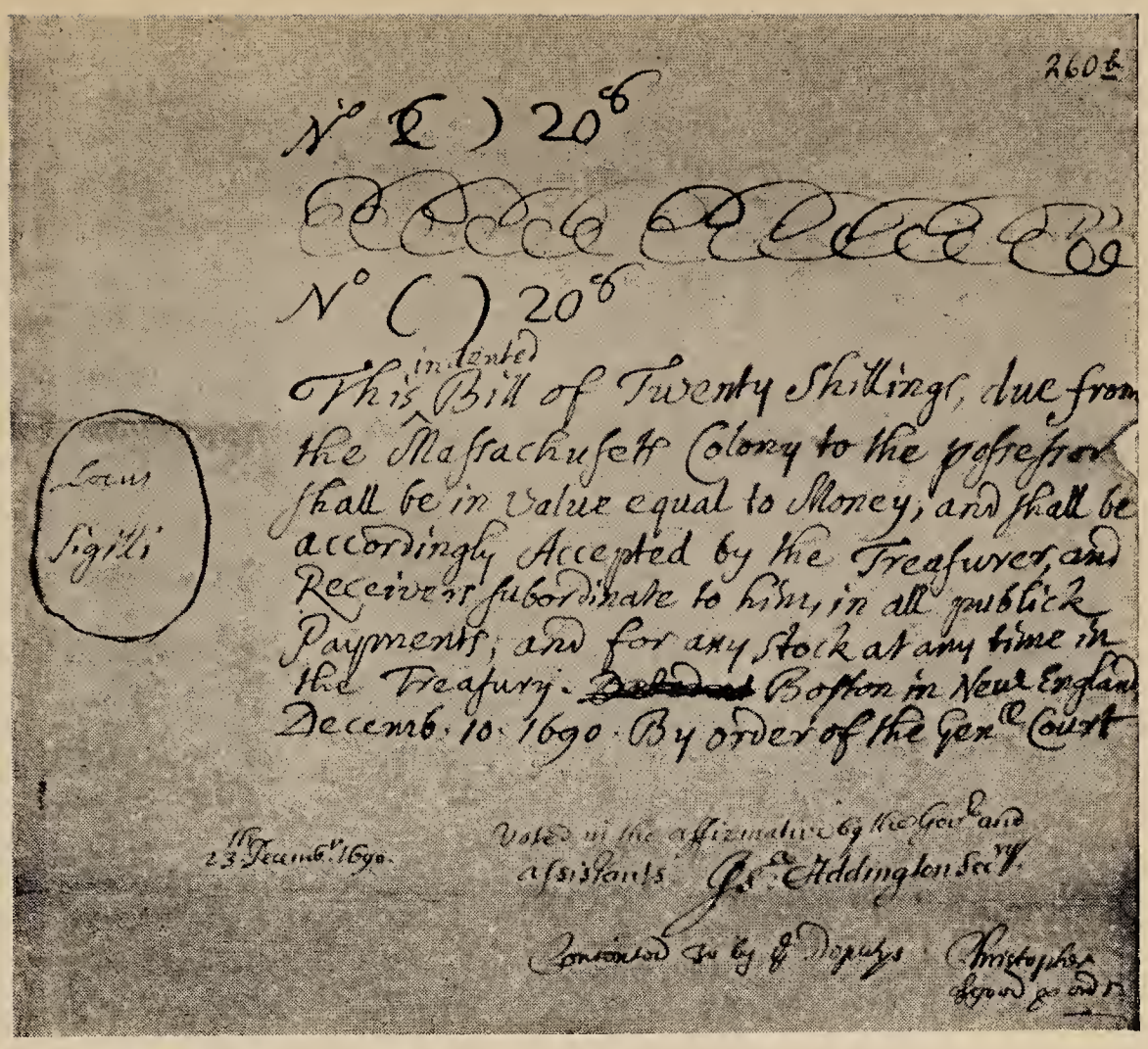
A minor source of revenue in the middle half of the eighteenth century was through the use of public lotteries. Private lotteries were frowned upon both in England and in the Massachusetts province. Laws for their suppression were passed in 1719 and 1733, on the ground that children and servants, merchants and traders, and "other unwary people have been drawn into a vain and foolish expense of money which tended to the utter ruin and impoverishment of their families." A public lottery, however, regulated by governmental authority, was regarded in a different light; and urgent fiscal needs after 1740, when recourse to bills of credit was denied by the home government, broke down any scruples which legislators may have possessed. In 1745, £7,500 was raised by a lottery to meet the current needs of the treasury, including the protection of the frontier. This was followed by a second lottery in 1751 to raise £26,700; by a third in 1758 for a military expedition against Canada; and a fourth in 1760 to retire the still outstanding bills of the Land Bank. The last three were not attended with success. Between 1749 and 1761, fourteen local lotteries for the benefit of towns in building roads, bridges,

and other public works were authorized, but these were small affairs, planned to raise from £400 to £2,000 each. These latter in particular aroused the criticism of the Board of Trade in London, and the governor was instructed not to approve any further financial schemes of that nature. The raising of revenue through lotteries, therefore, almost disappeared until the Revolution. A striking exception was the permission given in 1765 for a lottery to raise £3,200 for a dormitory at Harvard College, on the ground that that institution had rendered a special service to the government. As late as 1812 the same method was authorized for a Harvard building.

Duties on Imports (1733–1765)

The raising of revenue by duties on imports was a complicated problem. England regarded the colonies as a market for her own trade and, by the Navigation Acts and other laws, endeavored to control commerce and manufactures in the American settlements. It was, however, difficult to supervise shipping; and smuggling was a common practice both in England and the colonies. Above all, the home government cherished its prerogatives as to trade. For this reason, the insignificant provincial import duty on English goods (less than one per cent) was withdrawn in 1719 at the request of the Board of Trade.

A notable example of the English point of view as to control of trade was seen in the Molasses Act of 1733. The sugar colonies of England were in sharp competition with the colonies of France and Spain; and Parliament endeavored to suppress the increasing imports to the colonies from foreign settlements, by placing duties on rum, sugar, and molasses from non-British ports. These duties were moderate: on rum, 9 pence per gallon; molasses, 6 pence per gallon; and sugar, 5 shillings per 100 pounds. As these duties had to be paid in silver into the treasury of the English government, the levy meant a constant drain of specie. This was regarded by the colonists as an intolerable burden, in view of the scarcity of silver and its high price as measured by current paper money. The payment of duties was evaded by wide-spread smuggling, and for thirty years the home government did little to enforce the act.



260b

N° ( ) 20s

N° ( ) 20s

This indented Bill of Twenty Shillings, due from the Massachusetts Colony to the possessor shall be in Value equal to Money, and shall be accordingly Accepted by the Treasurer, and Receivers subordinate to him, in all publick Payments; and for any Stock at any time in the Treasury. ~~Dated~~ Boston in New England Decemb. 10. 1690. By order of the Genl Court

Locus Sigilli

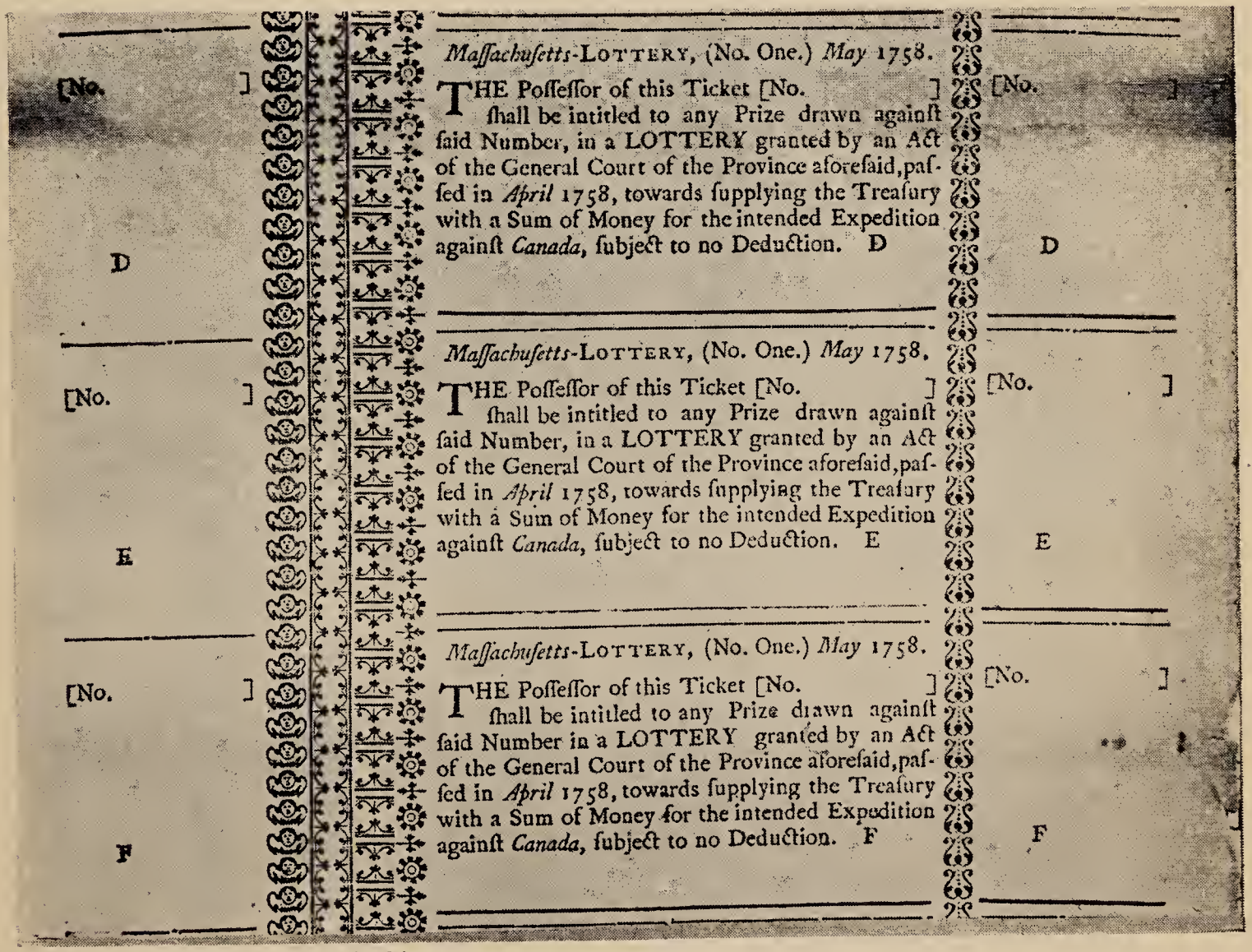
23th Decemb. 1690.

Voted in the affirmative by the Govr and assistants. J. Addington Secry.

Consented to by ye Deputys. Christopher Lyon ex ord.

From Massachusetts *Archives*

ROUGH DRAFT FOR THE FIRST PAPER MONEY IN ENGLISH-SPEAKING AMERICA



[No.] D

Massachusetts-LOTTERY, (No. One.) *May* 1758.

THE Possessor of this Ticket [No.] shall be intitled to any Prize drawn against said Number, in a LOTTERY granted by an Act of the General Court of the Province aforesaid, passed in *April* 1758, towards supplying the Treasury with a Sum of Money for the intended Expedition against *Canada*, subject to no Deduction. D

[No.] D

[No.] E

Massachusetts-LOTTERY, (No. One.) *May* 1758.

THE Possessor of this Ticket [No.] shall be intitled to any Prize drawn against said Number, in a LOTTERY granted by an Act of the General Court of the Province aforesaid, passed in *April* 1758, towards supplying the Treasury with a Sum of Money for the intended Expedition against *Canada*, subject to no Deduction. E

[No.] E

[No.] F

Massachusetts-LOTTERY, (No. One.) *May* 1758.

THE Possessor of this Ticket [No.] shall be intitled to any Prize drawn against said Number in a LOTTERY granted by an Act of the General Court of the Province aforesaid, passed in *April* 1758, towards supplying the Treasury with a Sum of Money for the intended Expedition against *Canada*, subject to no Deduction. F

[No.] F

From the Massachusetts *Archives*

MEANS OF FINANCE IN THE FRENCH AND INDIAN WARS

In 1764, however, when peace had been concluded with France, the English government determined that the time had come for a more strict supervision of the colonies. Not only should trade be regulated but it was "just and necessary that a revenue be raised" in America "for defraying the expenses, protecting and securing" the colonies. The rates of duties in this new Sugar Act of 1764 were not oppressive; on molasses imported from British colonies, the rate, indeed, was lowered, but new duties were imposed upon coffee, indigo, wines, silks, calicoes, and cambric, save when imported direct from Great Britain. Administrative agencies for checking smuggling were also established. It is possible that this act might have been quietly accepted if there had been an abundance of specie in the colony, making payments for imports convenient and regular; but this was far from the case. Resumption upon a specie basis had been only recently effective. In the same year that Parliament levied these duties, it again showed its disapproval of bills of credit in any of the colonies.

Within two years the Royal Government abandoned its efforts to enforce the Sugar Act, but turned to a new form of revenue, which could not be balked by smuggling. The Stamp Act of 1765 placed duties upon various legal papers, business documents, marriage certificates, and newspapers, the duties being collected through the use of stamped paper. This was again followed by the Revenue Act of 1767, levying import duties upon glass, painters' supplies, paper and tea. The political effect is discussed elsewhere in this volume.

None of these acts brought revenue into the treasury of the province. The rates imposed were not as high as the colonists had already accepted in acts which their own legislature had passed. For example, the English tax on tea was only 3 pence as compared with 6 pence per pound in the Province Act of 1756.

The quarrel as to who should have the right to initiate taxation, England or the Province, overshadowed all other issues. Under these conditions it was impossible to develop a well-rounded tax system including property, excise, and import duties, which could be relied upon to meet the needs of government, particularly in times of emergency such as the Province was soon to face.

SELECT BIBLIOGRAPHY

BELCHER, JONATHAN.—*The Belcher Papers* (2 vols., Mass Historical Society, *Collections,* Sixth Series, Vols. VI-VII, Boston, 1893-1894)—Reprint of Governor Belcher's letterbooks for 1731-1743.

BULLOCK, CHARLES JESSE.—*Essays on the Monetary History of the United States* (N. Y., Macmillan, 1900)—Especially chap. IV, valuable for its notes and references to primary sources.

DAVIS, ANDREW MCFARLAND.—*Currency and Banking in the Province of Massachusetts Bay* (2 vols., Macmillan, 1901)—First issued as Am. Economic Assoc., *Publications,* Third Series, Vol. I, No. 4, and Vol. II, No. 2. Volume I deals with currency, Vol. II with banking.

DAVIS, ANDREW MCFARLAND, editor.—*Tracts Relating to the Currency of the Massachusetts Bay, 1682-1720* (Boston, Houghton Mifflin, 1902)—A reprint of eighteen pamphlets, with notes.

DEWEY, DAVIS RICH.—*Financial History of the United States* (N. Y., Longmans, Green, 1903)—Chapter I deals with colonial finance.

DOUGLAS, CHARLES HENRY JAMES.—*The Financial History of Massachusetts from the Organization of the Massachusetts Bay Colony to the American Revolution.* (Columbia Studies in History, Economics, and Public Law, Vol. I, No. 4, N. Y.)—Deals particularly with the administrative phases of taxation, and has a chapter on lotteries. See especially pp. 56-146.

DOUGLAS, WILLIAM.—*A Discourse Concerning the Currencies of the British Plantations in America. Particularly In Relation to the Province of the Massachusetts-Bay, in New England* (London, T. Cooper, 1739: reprinted in Am. Economic Assoc., *Economic Studies,* Vol. 2, No. 5, pp. 265-375, 1897)—Edited by Charles J. Bullock.

FELT, JOSEPH B.—*An Historical Account of Massachusetts Currency* (Boston, Perkins & Marvin, 1839)—For the provincial period see pp. 49-161.

FELT, JOSEPH B.—"Statistics of Taxation in Massachusetts" (Am. Statistical Assoc., *Collections,* Vol. I, pp. 263-416, Boston, 1847).

HUTCHINSON, THOMAS.—*History of the Colony of Massachusetts-Bay from 1628. Until 1691* (Boston, Thomas and John Fleet, 1764).

HUTCHINSON, THOMAS.—*History of the Province of Massachusetts-Bay from 1691, Until 1750* (Boston, Thomas and John Fleet, 1767).

HUTCHINSON, THOMAS.—*History of the Province of Massachusetts Bay, from 1749 to 1774* (London, John Murray, 1828)—Published posthumously.

KIMBALL, EVERETT.—*The Public Life of Joseph Dudley; A Study of the Colonial Policy of the Stuarts in New England, 1660-1715* (Harvard Historical Studies, Vol. XV, N. Y., Longmans, Green, 1911)—See chap. VIII on currency and banking problems during Dudley's administration.

MASSACHUSETTS *(Commonwealth).—Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay* (21 vols., Boston, 1869-1922)—Particularly valuable are the notes at the end of each year's legislation.

PALFREY, JOHN GORHAM.—*History of New England* (5 vols., Boston, Little, Brown, 1858-1890)—See Vol. V for accounts of the administration of the several governments.

TRUMBULL, JAMES HAMMOND, AND GREEN, SAMUEL S.,—"Remarks on the First Essays at Banking in New England" (Am. Antiquarian Society, *Proceedings,* New Series, Vol. III, pp. 266-299, Worcester, 1885).

WEEDEN, WILLIAM B.—*Economic and Social History of New England, 1620-1789* (2 vols., Boston, Houghton Mifflin, 1891)—See particularly Vol. I, pp. 379-387, and Vol. II, pp. 473-491, for the monetary history of the period.

CHAPTER VIII

BOSTON: THE EIGHTEENTH CENTURY TOWN

By Sherwin Lawrence Cook
Former President Bay State Historical League

The Site

If in 1750 or thereabouts an observer had been on a trading ship beating into the harbor of the chief colonial town in America, his ship, even as today, would have passed Point Allerton and made its way westward through the channel among the islands that (except for George's, which was then Pemberton) have the same names today: Long, Deer, Raynsford, Governors, Castle and the like. The visitor would have noticed that they comprised green, well tilled, pleasant acres, seemly sentinels of the mainland. Nearing the end of his journey up the harbor he would have discovered, off the port side of his vessel, the forbidding brick castle which had replaced the old mud fort, and which for its day was a fine fortification. Long since it gave way to the granite Fort Independence, now of no strategic or military value. "An honorable outwork but much too near the citadel." A leg or two more would bring him to the town, standing serene on and between its three famous hills, its many church spires testifying to the piety of the majority of its citizens.

The stranger would have found Boston a town which might be practically mapped between the lines of a diamond-shaped quadrilateral. The distance approximately north and south, to speak by local markings, from Capt. Greenough's Ship Yard to the fortification across Roxbury Neck, was about two miles, if we are to trust Prince's map of 1769. From east to west, from the south battery to Barton's Point was about a mile and a half. Except for the narrow neck on the road to Roxbury, not quite an eighth of a mile in width, Boston was

surrounded by water and flats: on the east, the South Bay and the Harbor proper; the Charles River on the northwest; and the Roxbury Flats on the southwest.

If the visitor landed at Long Wharf, he went up King Street to Cornhill where, dividing King Street into two narrow lanes at its head, stood the Town House, the brick structure which replaced the wooden edifice in which the flock of Rev. Mr. Ratcliffe shared possession with the Colonial authorities in the days of Dudley and Andros. This so-called "old State House," survivor of several fires, is standing today. Cornhill was the name of but one section of Boston's main street, which now under the generic name of Washington Street spans the city from north to south and extends to Providence, Rhode Island. Starting from Greenough's Ship Yard at the north of the town, one could walk along North Street, then to Middle, and turning in a slight angle pass into Union Street (not the Union Street of today), traverse Dock Square, and then go directly along Cornhill, Marlboro, Newbury and Orange Streets to the southern extremity of the town.

Or one might follow Middle Street till it merged into Hannover, then from Hannover turn south and walk straight on parallel with Cornhill and its continuances for about a half mile on Tremount and Common Streets, where a turn to the left brought you through Frog Lane to Orange Street again and then over the neck to Roxbury. There were streets between these thoroughfares, streets leading up from the water front, streets down to the River in the north end, some bearing the names they bear today: School, Summer, Winter, West, Milk, Water, Sudbury, Prince, and the like. Here in buildings of wood and brick with yards large or small about them, with shops and mills and the copper works and ship yards on the waterfront, lived about 18,000 Bostonians.

Public Buildings

Except for churches the public buildings were not many. At the head of Milk Street on Marlborough Street was the governor's mansion, the famous Province House. Court was held in the Town House, and culprits confined in the bridewell

on Beacon Street near the Common. The Alms-house faced the Common and the town Granary was just adjacent. The North and South Grammar Schools and the North and South Writing Schools were on School and Common Streets respectively. Not far from Dock Square was perhaps the first colonial experiment in a municipal auditorium, the Hall and Market which Boston owed to the munificence of Peter Faneuil.

But what in 1750 Boston lacked in mundane edifices it made up in churches, seventeen in all. Though the old Puritan church as a political control had gone by the board, the Puritan Congregational faith survived. And although this doctrine was here and there ameliorated in practice and although some of these churches had come out of others because of this tendency, the great majority of these edifices housed congregations which traced back their ancestry to the Old Brick Church on Cornhill diagonally across the street from the Town House, the first church in Boston. Among them were the Old South, the Old North (not the present Christ Church), the New North, the New Brick, the New South, the Brattle Street, the West Church, and the Hollis Street.

Three Episcopalian places of worship existed—the King's Chapel, Christ Church which we call the Old North Church to-day, and Trinity on Summer Street at the corner of Bishop's Alley, now Hawley Street. Tho oldest non-Puritan orthodox body was the Anabaptist, whose meeting house was at the edge of the Mill Pond, reached by Back Street. Some North of Ireland Presbyterians had a modest edifice near the rope-walk; and on School Street was the little church of the French Huguenots. Even the despised and once persecuted Quakers now occupied their meeting place on Everett's Lane between King Street and Water Street.

Here the Boston ministers inspired, awed, antagonized as the case might be; Chauncy, Sewall, Jonathan Mayhew, Mather Byles, and the rest. "Besides the regular services in the churches," says Dr. Alexander McKenzie in *The Memorial History of Boston,* "there were lectures and private meetings and catechisings by which the Word was divided to the people according to their condition." Certainly the service of Christ, genuine or counterfeit, played a great part in Boston life.

Market Houses

Three market houses had been built in Boston in the early days and were later torn down. No market house existed in 1740 when Peter Faneuil, the greatest of Boston's early benefactors, offered to erect such a building and present it to the town. Why this offer was not eagerly accepted is hard to say; but it took two sessions of a town meeting (which was so large that it adjourned from the town house, as was often its wont, to one of the churches, Brattle Street on this occasion) before a vote could be got accepting the offer. Even then it was passed by a narrow margin, the tally showing 367 in favor and 360 against.

It is a fine commentary on Faneuil's faith in his adopted city that he was not discouraged by this unenthusiastic acceptance of his gift; but he enlarged his plans and finally put up the market house and public auditorium which, with the later enlargement, bears his name. In its original state Faneuil Hall accommodated a thousand people, but the time was coming when that apparently ample assembly room would be too small for the throngs of deeply moved citizens assembled in town meeting to consider the wrongs they conceived themselves to be suffering at the hands of the mother country.

The first annual town meeting held in Faneuil Hall listened to a eulogy on Faneuil given by Master Lovell of the Latin School; for Faneuil had died soon after the completion of the building.

Harbor and Wharves

Ringed around the town was its circle of wharves and shipyards. New England was not to know for many years the quickening touch of manufacturing, and her prosperity was mainly agricultural. Therefore, the chief city would naturally be commercial. A glance at any map of New England of sufficient detail will show at the most casual glance that Boston was destined to be the metropolis of this section. Alongside an almost landlocked harbor stretched the Trimount peninsula, which by reason of its conformation had an unusually long waterfront. In the mouths of the Charles and Mystic Rivers lay anchorages deep and safe—a predestined seafaring town. To add to its obligation to the sea, Boston

developed thriving fisheries which brought in daily large catches.

Back and forth up and down the harbor went an endless procession of craft, ships, brigs, and now obsolete "snows" which only seafarers could tell from brigs, sloops and schooners. Some traded with the mother country, some were bound to and from the West Indies, some in the nearer coastwise trade. All were carrying away the agricultural products of New England, hard wrung from a reluctant soil, and bringing in the textile and metal manufactures she most needed in exchange.

The Suburbs

As one mounted Beacon Hill and looked southward, suburban Boston unfolded itself. Beyond Mr. Hancock's fine new mansion opposite the Common, stretched what was in effect a country estate. The Common with the powder house and watch house upon its little hilltop, reached down to the Roxbury flats. Frog Lane (now Boylston Street) was bordered with orchards; and from the Beacon could be seen Orange Street with its houses far apart, stretching out to the fortification across the neck. Among the notable estates was the Frankland House on Garden Court Street; the Gardner Green estate on Pemberton Hill; the Hutchinson House, destined to destruction at the hands of a Boston mob. In all, this compact peninsula had in the middle of the eighteenth century over sixteen hundred houses and about thirty warehouses. Just beyond the water boundaries of the town was a ring of gently rising hills; and nestled among these green walls were the suburban towns, Charles Town between the Charles and the Mystic, reached from the North End by a busy ferry. To the east was the end of Noddle's Island and up the Mystic was Chelsea, the Rumney Marsh which had once been Winnisemett. On the southwest came Cambridge, Brighton, Brookline, Roxbury, and that part of Dorchester now called South Boston. These were all thriving towns, which had much in common with the larger community, some furnishing country homes to Boston citizens and others being the domicile of the business men of Boston.

From the re-engraving of 1835 in The Massachusetts Historical Society

THE BONNER MAP OF BOSTON IN 1722

Race Elements and Influence

In fact what Lodge says in his *Boston* with regard to that town toward the end of the seventeenth century, was nearly as true during the eighteenth: "It was distinctly an English town. The migration had been an unmixed one; and although the people had left their native country on account of religious differences, they had brought with them all their habits, customs and modes of thought, which they had inherited from their ancestors, and to which they were profoundly attached. The names which they gave to their counties and towns and even to the streets were English names, taken from well-beloved places which they had left. They planted English fruits and English flowers in their gardens, they filled their houses with English furniture and built them in the style of English domestic architecture. But, although in these ways they manifested their attachment to the homes which they had left, in matters more essential than houses and clothes and furniture, they showed that the spirit of a new country was upon them, and that they were seeking to lay the foundation of a new nation among the people of the earth."

By the time the eighteenth century was well under way, the English predominance had been somewhat diluted by accretions from the North of Ireland and the Huguenots, both of which elements were numerous enough to maintain churches of their own. Whether the architectural and personal appearance of the town was due to the attachment of the people or to their turning naturally to the building up of conditions to which they were accustomed, Boston, in 1750, still had the look of all English towns, and the acts of the settlers, however much they disagreed with the acts and thoughts of their brothers at home, had an English tinge.

Color Line

The city which was to become an abolition center in the nineteenth century, though not without disorderly protest, had its "color problem" two centuries ago. In 1723 the Town Meeting voted to recommend to the General Court an act for the restraint of "Indians, Negroes and mulattoes." Such persons were to receive no visits from slaves; and fining, im-

prisonment and whipping were the penalties. They might possess no firearms or ammunition, nor were they allowed to sell "Strong drink, Cake or any other Provision" on training days. It was further provided that these people should bind out their children at four years of age to some English master; and upon failure to do this, the selectmen or overseers of the poor should be empowered so to bind them out. If they were found in possession of any stolen property or property of a slave, they should not only be whipped and make restitution, but be expelled from the Province, and liable to life imprisonment if they returned. If they committed theft they were to be shipped over seas. They were forbidden to gather together on the streets and were punished for loitering. They could not work as porters except by permission of the selectmen. Assault was punishable by transportation. When fires broke out, they must stay indoors. These offences could not be proved by Negro and Indian evidence unsupported; but the whites were encouraged to interest themselves in the enforcement of these provisions, inasmuch as it was provided that half the fines and forfeitures under the regulations should go to the informer.

Slavery forces itself on the attention of the readers of Boston newspapers. In 1746 the *Boston Evening Post* tells us that there are "To be sold near Oliver's Bake-House, just by the South Battery in Boston, a number of very likely NEGRO BOYS and GIRLS, just imported from Guinea," and a few months later a "fine female negro child, of a good breed" is advertised "to be given away."

Disease and Medicine

That smallpox was a much feared menace is amply attested. Dr. Boylston, in the *New England Weekly Journal,* gives a list of those inoculated by him in March, 1730—this comprising fifty-seven whites and fifteen blacks: "Upon one of these, namely Mr. John Salter, the Inoculation had no effect; 'tis suppos'd he had the distemper before. Two of them died, viz. Capt. Deering's Son, and Mr. Thomas Boylston's Negro. The rest pass'd thro' the Distemper without the subsequent Ails, which sometimes happen from their Incisions."

Still the good doctor acknowledged that the effect was not so "kind and easy" as he had found it when he last visited the town nine years previously. At best it was a hard experience for the patient, who was inoculated in those days with genuine smallpox virus, went through what was generally a light attack of the malignant disease. You can read in these papers frequent warnings inserted by the town clerk of the existence of the disease in certain families "where Flags are hung out, according to law."

The death rate must have been high, inasmuch as it is recorded that in Boston, about the middle of the eighteenth century, there were 1,200 widows, 200 of whom were considered "poor." Negroes, slave and free, counted 1,500.

Education

A distinction of Boston was the school system. The Boston school system was based, at first, on the theory that a school should be maintained under town auspices for pupils whose families would assist in its support,—a theory which broadened out into the principle of universal education as a necessity to the state. It began almost as early as the town itself. The system was fairly well established in the eighteenth century with schools at convenient points. There were grammar schools and writing schools at both the North and South Ends of the town. The general system of free public schools was not established as a system till long after the foundation of the Boston Latin School. It came through a vote of the town passed in December of 1682. Neither the extent of the education nor the number of pupils in these schools, in comparison with the total population, were impressive, judged from the modern point of view. Nevertheless they were exceedingly impressive when compared with the mother country or the towns of other colonies, or even with certain small Massachusetts towns which took their cue from Boston, and did their best, while unable to carry the system so successfully. Free education did not mean, in those days, education without cost. Families that could afford to pay fees were expected to do so. Nor did it mean freedom of education for the female sex. If a girl grew up an educated and brilliant woman,—as many

did,—it was due to family instruction, to attendance at a private school, to private preceptors or to her own insatiable curiosity and indefatigable industry. Not until 1789 were girls admitted to the free schools of Boston; and then not on an equality with the boys, but only during the period from April to October when the warm weather made the lads necessary in their parents' labor.

Masters were appointed by town meeting and the necessary details of school support were enacted there as well. The curriculum was simple. No school committee established it; the masters took care of that. They were under no superintendent or staff of assistants. They charted their course themselves and dealt only with the town itself. The writing schools were the more elementary; and the grammar school graduates were supposed to be ready for college, if their parents could afford it.

Journalism

The eighteenth century was a time of enlargement of the newspapers. The influence of daily journalism at the end of the century, as compared with its early beginning, was tremendous. Even toward the end of the period, however, there was nothing remotely approaching sensationalism or even journalistic exuberance. On the critical morning when Joseph Warren delivered his famous Boston Massacre oration in 1775, he climbed, it is said, to the pulpit through the window. He dropped his lace handkerchief quietly over the handful of bullets held up to him by a British officer. This exciting and picturesque hour would satisfy even the "human interest" reporter of the present; but the published account is brief and formal. Nothing is quoted from the speech.

A view of the life of the times may be had from the advertisements in the Boston papers of the period: *The Boston News-Letter, The Boston Gazette, New England Courant, New England Weekly Journal* and the rest.

An episode which no doubt made some stir in town comes to light through an advertisement in the *News-Letter* in 1722. The Court of Admiralty, under the date of September 1, gives notice as follows: "Whereas a Whale, much Decayed and Wasted, was found floating near the Brewster, and towed

on shoar last Month, in which was found by the Cutters up, a Ball. If any Person can lay Claim to said Whale, so as to make out a Properity; These are to Notefy such person to appear at the Court of Admiralty, to be Holden in Boston, on the last Wednesday in this Month, at three o'clock in the Afternoon, to make out his Claim, otherwise the said Whale (or the neat Produce thereof) will be deem'd as a Perquisite of Admiralty."

"John Boydell, Register."

The advertisements of new books are typical of the century: among them accounts of the history of criminals executed "with some of their Dying Speeches, Collected and Published, for the warning of such as live in Destructive Courses of Ungodliness." The reader might buy John Cotton's *Spiritual Milk for Boston Babies,* or *A Sure Way to Wealth* by the Reverend Daniel Burgess. Barbers, wine merchants, horse dealers, tradesmen all offer their wares and give us a picture of the lively traffic of the New England seaport.

The Trades

The trades by which these Bostonians supported themselves were diverse. The principal occupations were those of bakers, blacksmiths, block makers, boat builders, cabinet and chair makers, carvers, coach makers, watch makers, coopers, distillers, engravers, glaziers, plumbers, goldsmiths, hair dressers, hatters and furmen, carpenters, leather workers, limners and portrait painters, masons, instrument makers, millers, painters, paperstainers, printers and book makers, riggers, rope-makers, saddlers, sail-makers, shipwrights, sugar boilers, tallow chandlers, tanners, tailors, tin-plate workers, tobacconists, tankmen, turners, upholsterers, wharfingers and wheelwrights.

Scale of Living

Walking out on the Mall at the eastern end of the Common on a summer afternoon in the middle of the eighteenth century, one would have had some little difficulty in believing that he was not in a thriving English town. Here was the promenade of fashion after tea drinking, and there was plenty of fashion in Boston. A visitor of this period wrote: "The ladies here

visit, drink tea, and indulge in every little piece of gentility to the height of the mode, and neglect the affairs of their families with as good grace as the finest ladies in London."

The Bostonians lived well. The best of food was cheap in New England and, although money was scarcer here than in old England, the cost of living was far lower in these provinces than in the mother country. The variety was no less west than east. Beef, lamb, veal, pork, game were abundant. Sea food was prevalent and absurdly cheap. A twelve pound cod fish, just out of the sea, cost tuppence. A fine salmon, weighing fifteen pounds, could be had for a shilling. The finest butter brought three pence a pound. The New Englanders enjoyed the same fruits in season as did the Londoners. Peaches in particular were so abundant that only the very finest were served at table and the ordinary sort were fed to the hogs. Beside cultivated fruits were products of the wilderness, wild grapes for which prudent housewives had plenty of uses, berries and black cherries which made a delicious cordial.

The fashionable dinner wine was Madeira; rum punch was also an aristocratic tipple. The Boston breweries were conducted for export, but they delivered table-beer at home. The chief drink of the average Bostonian was cider, which he could get at three shillings a barrel.

The regulation of the sale of wines and spirits was not greatly different in the early Boston from the system which prevailed until the advent of national prohibition. The municipality in the early days did not profit from licenses; but the Court of General Sessions of Suffolk county (subject to the veto of the selectmen) granted permission for the sale of these commodities to such responsible persons as in its judgment should be given the privilege.

Care was taken to protect the poor in their purchase of foodstuffs. Imported provisions could not be sold at wholesale until the crier had given three days' notice, so that all might buy at wholesale rates in small quantities. The town prohibited the purchase, except for personal use, of produce at the Neck, coming into the town through Roxbury, to prevent dealers forestalling the general patrons of the markets.

Churches and Ministers

If the churches did not make up the electorate as of old, they did what they could to control it. When a new church was needed the town made a grant; as in 1715, when to sundry petitioners it granted Church Green "for the Erecting thereon an Edifice for a Meeting House for the Publick worship of God" known as the New South, or in 1709 when the town meeting "voted a grant of one hundred pounds to be raised and laid out in building a meeting house at Rumney Marsh."

Furthermore we find town appropriations for the support of the clergy. Few matters of importance were inaugurated without the invocation of divine aid. At the annual election of the Artillery Company a sermon was invariably delivered. The same ceremony took place on the Sunday before an execution. The poor wretch was brought through the town from the bridewell and sat quivering under the thunders of the sermon and the glances of the congregation.

Nevertheless Boston was a thriving and pleasant town. The town house and the meeting house were the centres of civic life. Newspapers were infrequent, their items exceedingly brief, and public opinion was usually regulated by the two public agencies. Not only did the churches hold regular services, but lectures and other meetings were frequent, and the ministers were tenacious of their influence. After the provincial charter deprived them of their outward political influence, they were still assiduous in maintaining it in fact, if not in law.

So ambitious were the ministers, that early in the eighteenth century (1705) they endeavored to increase their clerical power. In 1705 the Boston Association of Ministers issued a pamphlet, the authorship of which was not disclosed but which was generally attributed to the Mathers, entitled *Questions and Proposals.* It was palpably issued to pave the way for a movement which would gradually reduce the powers of the members of churches in the government of those churches, and place it increasingly in the hands of the clergy. The sturdy John Wise of Chebacco led the assault on this proposed extension of ministerial power through his books *The Church's Quarrel Espoused* and *A Vindication of the Government of the New England Churches,* which demolished the

semi-episcopal plans of the clergy. Half a century later they emerged in a new edition just before the Revolution, when their views of independence within the church might be applied to the state itself.

Amusements

The people generally provided their own pleasures. The aristocracy, and it very certainly existed, had their promenades and tea drinkings. The mechanics and small tradesmen had their taverns and the Common. New England frugality did not encourage holidays. Religious holidays such as Christmas and Easter were too pagan for recognition in the minds of the Bostonians, and was not the Thursday lecture, a mid-week religious service held in the morning, quite enough interruption of business, without light and joyous celebration? Thanksgiving was a holiday of course, the Puritans' own. The brimming Thanksgiving tables of the present hark back to the abundance of the blessings for which these New Englanders gave thanks, and which were spread before them in recognition of these blessings. It was a religious day for all that and rigorously observed. The now forgotten "Guy Fawkes Day" was the liveliest holiday of the time and that was celebrated at night. Parades bearing the effigy of the luckless conspirator traversed the town and not infrequently came into impact and wound up in a glorious free fight for all. At last the best influences brought about a joint celebration in which the North and South-Enders bore an equal part.

No theatres existed in Boston before the last decade of the century. Only gradually did public theatricals develop. British theatricals during the siege of 1775–76 were carried on under the auspices of the soldiery. Whether that gave the populace a taste for it or not, the lecture room on Broad Alley soon followed. In spite of legislation and protests from Samuel Adams and John Hancock, the people enjoyed the "moral lectures" which it presented within its crude proscenium. When the proprietor was arrested during a "lecture" known as "The School for Scandal" the populace greatly enjoyed Sir Peter Teazle's acquittal. At last, though frowned on by the "good people," the Federal Street theatre, first

acknowledged Temple of Thespis in Boston, rose, free from hostile legislation, in 1792.

Dancing was a more informal work of the Devil than the playhouse. Ministerial protests against "Profane and Promiscuous Dancing" were heard as early as the last quarter of the seventeenth century; but the amusement went on. By 1735 a dancing school was set up, though its purpose was stated in the seemliest possible manner: it was announced as "a school for reading, writing, cyphering, dancing and the use of the needle." It is easy to guess which branch of learning was responsible for the school's prosperity.

Boston was not without individual itinerant amusements. For instance, William Clagget, "Clock-Maker, whose Business will not suffer him to make any long Stay here," set up an electrical show at the house of Captain John Williams, near the Golden Fleece in King Street, in September, 1747. There he exhibited the "Wonderful Phenomena of Electrical Attraction, Repulsion and flamific Force; particularly the new Method of electrising Several Persons at the same Time, so that Fire shall dart from all Parts of their Bodies, as the same has lately been exhibited, to the Astonishment of the Curious in all Parts of Europe." Thomas Sharp exhibited feats of horsemanship in 1770 or thereabouts. He rode two horses at full speed, standing, and drove them far enough apart to admit a third between them and performed with a single horse other feats now conventional enough. Toward the century's end the curious could see an elephant for the reasonable fee of a quarter of a dollar. In New England arose the germ of a later exhibit, the "greatest Show on Earth."

Relation To The Colony

The province charter placed the towns entirely under the Province. Of course the Crown could veto Province laws, but it never interfered with those relating to town organization and authority. Hence the town of Boston came after a time to be in a kind of quasi-partnership with the Province. It was both capital and capitol. Here in the Town Hall the General Court held its meetings and all its members were for the time being residents of Boston. It was the largest town in the Prov-

ince. Many, perhaps most, of the Province's leading citizens were inhabitants of the town. Others, such as Richard Dana of Charlestown (he afterward moved to Boston), Increase Sumner of Roxbury and William Stoughton of Dorchester, to name only a few, were residents of contiguous towns and spent enough time in the centre to be considered Bostonians.

Although now and then the size of the town and the difference of the problems from those of other towns was the occasion of special Boston legislation, it may reasonably be doubted whether the influence of the Province was greater on its chief city, than that city's influence on the Province itself.

The chief drawback to Boston's freedom of self development was the Court of General Sessions of the Peace. It consisted of the justices of the peace for the county, or of so many as should be limited in their commissions. Beside the ordinary civil and criminal jurisdiction of primary courts its members had charge of the county prudentials and so had absolute veto on town orders and by-laws. In 1730 Suffolk County included not only Boston, Roxbury and Dorchester, but also Hingham, Braintree, Dedham, Medfield, Medway, Weymouth, Milton, Hull, Wrentham, Mendon, Woodstock, Brookline, Needham, Sutton, Oxford, Bellington, Walpole, Stoughton and Uxbridge. Although legislation was passed which sought to abolish this power, it was incorporated in an act concerning other matters which was thrown out by the Privy Council. In 1701 Boston undertook to codify its laws and passed a code of nearly forty titles, of which the Court of Sessions left only twelve. Another set was passed the same year and was approved. Little opposition to the Court of Sessions is revealed by the records of the Town Meetings; but its supervisory power greatly irked the selectmen. Even laying out of town ways was vested in the court whenever the selectmen were charged with delay.

Elections and Representatives

The town and province voting was carried on in town meeting. When representatives were to be elected, the procedure of town meeting varied. The provincial laws called for a ballot in charge of the selectmen. Therefore that particular

meeting was organized under the moderatorship of the chairman of the board; and the moderator took his seat after the election. At the annual meeting in March the town officers were elected under the usual conditions. In 1730 the town meeting cast 530 votes. At the April election in 1798, under the constitution, a town meeting in form, 1581 votes were cast for governor at Faneuil Hall between 9 A.M. and 2 P.M.

The election of representatives was a grave duty. Boston early in its civic career claimed the principle of town representation in proportion to the number of citizens. As early as 1679 the Boston Town Meeting asked, not without some asperity: "Shall twenty freemen (this was the number which entitled rural towns to two deputies and also was the number to which Boston was then entitled) have equal privelege with our great Town which consists of near twenty times twenty Freemen?" Before 1701 Boston had gained her point and she had four representatives. Under the constitution of 1780 with a legislature of two branches, in 1800 Boston's proportion of representatives was seven; and the Boston vote was then practically predominant in Suffolk county, which was entitled to four senators. There were no legislative districts; the senators were voted for at large in their county, and the representatives in their town.

Membership in the General Court was the office most prized of any within the town's gift. Usually the most distinguished men the town could offer were elected. This was especially so in the middle years of the century and during the struggle with England. It was not so sure in the days of the Commonwealth.

Boston was served between 1700 and the time of the siege by about seventy-five different representatives. At no time did the town's representation fall below four. Hence the deputation from Boston was always an experienced one, the changes in the delegation averaging about one each year. Among the few great leaders of the town who never served in the General Court were Joseph Warren, Josiah Quincy and Church. But among the representatives were Samuel Adams, John Hancock, James Otis, John Adams, James Bowdoin and Harrison Gray. Thomas Hutchinson, who was then honored by his townsmen, attained this office and held it for nine

years between 1737 and 1748. Among lesser but still honorable Boston names in the roster are Elisha Cooke, who served for sixteen years in all during the first forty years of the century; Oxenbridge Thacher, Adam Winthrop, Thomas Cushing Jr., John Phillips, Maj. Samuel Sewall, Oliver Wendell, Nathan Appleton, and many others of similar serviceability.

Boston Politics

But eminent as these men were, they were not considered above the town's supervision. They stood somewhat in the relation to the town as would lawyer and client. Practically in the principal matters they were "briefed" by the town. What their specific arguments should be, how they should go tactically to work as a rule was not generally a matter for the town to decide but for the representatives. Nevertheless they were sent to look after the town interests and, whatever the method they pursued, it was not for them but for the town to decide in matters of large public moment just what that interest was; hence the system of instructing the representatives.

At each meeting where representatives were elected a committee was created to report to the body a series of instructions, which was submitted either at that or a subsequent meeting. When acted upon by the town the recommendations were accepted as binding by the men elected. As the century progressed, the town found colonial affairs critical. The instructions in those days, so far as practical effect was concerned, were superfluous. So entirely known were the sentiments of the representatives, that their instructions, the product of the body which elected them, were merely echoes of their own desires. The caucus and Sam Adams had taken care of that; but these instructions were written by some of the clearest thinking and purest patriots of their time, hence these instructions in effect became almost state papers.

In the early years of the century the town meeting was exceedingly sensitive to the influence of private conferences. The townsmen would have welcomed with enthusiasm the phrase "open covenants, openly arrived at." There ought to be good public reasons for what they were asked to vote; and

they were suspicious of anything agreed upon in secret. So strongly did they feel on this matter that in 1701 they made their regulation: "That whosoever in any Publick Town Meeting shall fall into private conference to the hindering of the publick business, shall forfeit one shilling for every such offence, to the use of the poor of the Town." Thus was not only the methodical New England orderliness safeguarded but political wire pulling and log rolling prevented in the assemblage.

At last, however, there came a time when the vital questions of the relations with the mother country were in the balance; when the advocates of colonial rights, if they were to prevail, must put their best foot forward; when the minority was so strong that the patriots must have a program. No man knew this so well as the greatest of Bostonians, Samuel Adams.

Boston Town Meeting

The suffrage of Boston, as in the rest of the Province, was expanding. In 1647 "inhabitants" who were not freemen, but who had taken the oath of allegiance and were twenty-four years old, were eligible to vote and to hold town office. The Province charter did away with the legal class of freemen; and the suffrage was given to freeholders and other inhabitants possessing the statutory property qualification. To vote for members of the General Court was a higher right than to vote in an ordinary town meeting. In the first class were the citizens whose freeholds were worth forty shillings a year or who had other property to the value of fifty pounds. In town matters all inhabitants "rateable at twenty pounds estate" possessed the suffrage.

Boston slowly but steadily grew, until a halt toward the middle of the century. During and after the siege of 1775-1776, Boston lost in population and prestige until post-Revolution activity sent things forward once more. The voting population also increased, and new precautions had to be taken to safeguard the ballot. Even then there were rumors of fraudulent voting.

The Boston Town Meeting, if we look fairly at the eighteenth century town, was the heart of the municipality. It is

not easy to describe it as an entity, separate from the general town meeting system of New England, which receives adequate interpretation elsewhere. The significant point is that the eighteenth century town meeting of the capital of the colony heartened the colony in the days of protest, and gave the lesser towns courage, in which pulsed the spirit of the Commonwealth. "It hectored the governor; it appointed agents in London to procure the veto of obnoxious colonial acts; it incited other towns to insubordination; it put forth declarations of the rights and wrongs of the colonists."

In this work the Boston Town Meeting assumes its greatest importance; but this was not the only great problem of the men of Boston in joint council together. The strength and value of the town meeting lies in the fact that, in both great and little things, the men of the town took council and made their own decisions. It might be a resolution looking toward an inter-colonial declaration of independence, or it might be a vote prohibiting the digging or carrying away of gravel on Fox Hill; the procedure was the same.

Outside New England the county was and still is the prime political unit. Not so in Massachusetts. Here the political unit from the beginning has been the town; and around that government of the municipality revolved the personal life of the old-time inhabitants. Ernst has written: "A kindly star stood over the birth of the Massachusetts town. The Massachusetts town was not created, like a city, by the General Court, but was born at a happy moment. The supreme authority was glad to acknowledge the town, and to help in making it an instrument for good, both to the town itself and to the country . . . The town was the immediate neighborhood of men and women that had one mind, one church and one common endeavor . . . The General Court of Massachusetts recognized what the early founders of towns did for themselves, and added its approval and aid."

Notable Town Meetings

It is difficult to ascertain the conditions of calls for town meetings since they were issued partly under custom, partly under law. The annual meetings appear to have been regularly

fixed. So, presumably, were those which chose the representatives in the General Court. The request of an adequate number of voters imposed on the selectmen the duty of calling meetings; and in case of their neglect or refusal it became the duty of the next justice of the peace. When the date was fixed and the town constables had circulated the notice by personal service the preliminaries had been accomplished.

Meetings might be few or many according to the need. In the twelve months of 1774–75 the town meeting was in session at various intervals during thirty-one days. Bostonians took their meeting very seriously indeed. Few snap judgments were made, and there was much grave debate. It was not unusual for a town meeting to adjourn from day to day. For example: the annual meeting of 1735 convened in the forenoon of March 10, reconvened in the afternoon, adjourned to the following morning then to the following afternoon, put in a full day the next day as well, and then adjourned to March 20 for an afternoon session which concluded its labors.

One meeting stands out in the town records which was not regularly called but was organized by the impulse of the citizens. That was on the morning of March 6, 1770, the day after the Boston Massacre. It was a mass meeting presided over by the town clerk, the selectmen being in conference with the Governor. It assembled for business and it meant business. Held in Faneuil Hall, it finally adjourned to meet at three o'clock in the afternoon at the Old South Church. In the meantime the selectmen attended to the formalities so that it came in as a legal body at that time. Both these sessions are to be found recorded in the town records—which say nothing of that stern gathering in the Old South, with the sturdy souled Samuel Adams in the chair, in that December twilight in 1774 when he so gravely declared: "This meeting can do nothing more to save the country"; and the resultant war-whoops echoed upon the frosty air outside as the pseudo Mohawks started on their way to Guffin's Wharf.

On the other hand some of the meetings were brief. It cannot of course be said that the meetings which occupy the least space in the town records were necessarily the shortest for these records take no cognizance of the amount of length

or debate. A short word-picture of a routine town meeting may be had from these town records.

"At a Meeting of the Freeholders and other Inhabitants of the Town of Boston Duly Qualified being Regularly Assembled in a Publick Town Meeting at the Town House in Boston on Tuesday September the 14th 1731:

"After Prayer by the Reve Mr John Webb

"Hubijah Savage Esq was chose to be Moderator for this Meeting

"Proposed to Consider About Repairing mr Nathaniell Williams His Kitchen &c—

"In answer to the Earnest Desire of the Honourable House of Representatives—

"Voted an Intire Satisfaction in the Town in the late conduct of their Representatives in Endeavoring therein—

"Voted That the Afair of Repairing of the Wharff leading to the North Battery be left with the Selectmen to do therein as they deem best."

Of course the warrant limited the scope of the meeting somewhat. That action could be taken only on matters therein contained not only prevented the town being taken unaware and swept off its feet, but it prevented the meetings from being even longer than they were. It was a serious and patient citizenry which sacrificed so much time in sober efforts of self-government.

Town Meeting Records

Much of the history of Boston, its local problems, its prejudices, its way of thinking, is to be read from the records of the Boston Town Meeting. And not merely read, for much of it became the history not alone of Massachusetts but also of the American nation. For this study they are of use to interpret the Bostonian in his attitude to his church, to his business, to his liberties and to himself.

In 1701 it was ordered by the pious suffrage of the freemen and inhabitants "That no person shall hereafter ride any horse mare or Gelding into the Common or Wheeler's pond or to any usual place of watering, on the Lord's day, on pain of forfieting the sum of five shillings." In the same year

it was "Ordered that no person shall dig any grave or make any coffin on the Lord's Day without the approbation and allowance of two of the selectmen for the time being, on pain of forfieting the sum of twenty shillings; nor shall any person keep open their shop or cellar that they manage or keep their callings in, on the evening preceding the Lord's Day, or on the Lord's Day, on pain of forfieting the sum of five shillings for every such offence, to be paid by the occupier of such shop or cellar."

In attending to the particular business of town administration the town was characteristically careful, and passed routine financial legislation with due deliberation. For instance, the town grants the selectmen the right to borrow in anticipation of taxes, and to authorize the investment of town funds by letting out money in amounts of not over a hundred pounds per person at five per cent on satisfactory or personal security. The constables shall receive three pence on the pound for collecting the rates. Later the tax collectors shall receive nine pence on the pound and ultimately this was increased.

They were an exclusive lot, these Bostonians, they did not encourage strangers to come among them without credentials, for the very good reason that they found the care of the poor an especially heavy proportion of town expenses. Hence is it "Ordered. That no person Inhabiting in this Town, Shall Receive, Admit, or Entertaine, in any of their Houses or Tenements, either Tennants or Inmates, any person being a Stranger, or New Comer here, not being Admitted by the Selectmen as an Inhabitant of the Town, other than such Strangers as become apprentices to any of the Free-holders of the Same, without giving Notice in writeing under their hands within the Space of Thirty dayes next after their so receiving or entertaining Such Stranger or New comer . . ." The penalty for breach of the edict was twenty shillings.

Town Officers

The town government and its functions can be easily estimated by a list of its officers and functionaries.

At the first town meeting of the eighteenth century (March

10, 1701) the following offices were filled: Moderator, nine Selectmen, Town Clerk, Town Treasurer, ten Constables including one assigned to Rumney Marsh (Chelsea) and one to Muddy River (Brookline), five Overseers of the Poor, five Surveyors and one each for Rumney Marsh and Muddy River, six Market Clerks, three Sealers of Leather, five Scavengers, six Hogreaves, three Measurers of Board and Timbers, three Town Criers. The town voted also to choose nine Assessors. The custom of the town on the choice of assessors varied. At times it voted to choose separate functionaries and at other times it authorized the selectmen to perform these functions.

The moderator was always a man of great local influence. He presided at the meetings and if his rulings were not impartial he might do great harm. The office was as honorable a one as any within the public gift. Among those who held it were Elisha Cooke, the earliest local political leader of the time of which we write, Thomas Hutchinson, John Phillips, James Otis, Samuel Adams, John Hancock and Thomas Dawes.

These hard-headed men who made up the Town Meeting were all financially responsible. They had to pay the taxes. They paid considerable attention to the town expenditures. The needs of the churches were strongly borne in mind as well as the temporal needs of the municipality. The town appropriations were made in these meetings.

A few items selected from various reports will show how they acted and what some of their problems were: For fortifications £800; for the services of the town treasurer £15, toward the meeting house at Rumney Marsh £100; for paving the road over the neck when in danger of being washed away £100; for the support of the ministry £8000; for the support of the town watch £300; for fortifying Roxbury neck £1000, and so on.

The selectmen were always a responsible group. The board at the opening of the century includes Joseph Prout, Daniel Oliver, Robert Gibbs, Eleaser Holioke, John Marion, Jr., Timothy Clarke, James Barnes, Isaiah Tay, John Barnard. The selectmen who saw the century out were Charles Bulfinch, David Tilden, Russell Sturgis, Joseph Howard, Ebeneazer Hancock, William Porter, William Sherbourne, John Tileston

and Ebenezer Oliver. Between these worthies, were some of the strong men of the town, including Edward Hutchinson, Edward Oliver, Elisha Cooke, Thomas Cushing, Samuel Adams the elder, Edward Bromfield, Thomas Hutchinson, then (1736) Junior, Jonas Clarke, Thomas Hancock, Paul Dudley, John Scollay, Samuel Sewall, Samuel Pemberton, Oliver Wendell, John Pitts, Thomas Greenough, Ebenezer Seaver, Samuel Cabot and William Scollay.

Police And Militia

The local body to enforce order was the Town Watch, who were organized on the lines of the London Watch. They were on duty from ten o'clock at night to daylight—except in winter, when their hours extended from nine at night to eight in the morning. The town was divided into five wards each with a watch master and watch house in each. This body, which cost the town twelve thousand pounds a year, was equal to keeping order in ordinary circumstances and in general emergencies, but a good healthy Guy Fawkes rough-and-tumble was often beyond their power to quell.

The great public relaxation, one which combined business, and very stern business, with pleasure, was the spring and fall training. In Massachusetts, according to the Frankland diary, 32,000 names were on the training list. The martial exercise was inspiriting, yet seriously planned. It included target practice and maneuvers and was entered into with serious purpose, though the repressed holiday mood made itself felt on these occasions.

The Acts and Resolves of the Province, on page after page, bear evidence of the seriousness with which the state provided for defense. Hence the following elaborate equipment of the foot soldier under these Province laws: "A well fixed firelock musket of musket or bastard musket bore, the barrel not less than three and one half feet long, or other arms to the satisfaction of the commissioned officers of the Company; a Knapsack, a collar with twelve bandoleers or cartouch box, one pound of good powder, twenty bullets fit for his gun, and twelve flints, a good sword or cutlass, a worm or priming wire fit for his gun." The horse soldiery must have a mount

worth five pounds, fourteen hands high, with all equipments, a carbine, a sword or cutlass, the necessary ammunition and "a good pair of boots and spurs." The military display, the refreshments at the booths erected for the day, and the relaxation of the spectators did not conceal the sturdy purpose of "training," and it was to prove its value in the North under the colors of the king.

School Government

Perhaps the earliest suggestion of a Boston school committee comes from the town meeting of Dec. 19, 1709, when it was: "Voted: That a Committee be chosen to consider the affaires relating to the Gramer Free School of this Town & to make report thereof at the Town meeting in March next." It was also voted that the town pay for a master's assistant until the next annual town meeting. The committee was a distinguished one, consisting of Wait Winthrop, Samuel Sewall, Elisha Cooke, Elisha Hutchinson, Isaac Addington, John Forster and Ezekiel Lewis. Of these the first four were in the very forefront of town life.

When the committee made its report it complimented Mr. Williams on "a good Inclination to the worke, and his resolution to devote him Selfe thereto, If the Town please to Encourage his continuance therein by allowing him a competent Sallery, that he may Support his family, and Granting him as assistant." Thus was the master of Boston's Public Latin School in that day supported and encouraged, though it is evident that he himself must have stirred the matter up and that his protests caused the creation of the committee.

It was this same committee which advocated the appointment of a committee to consist of "gentlemen of liberal education" and some of the ministers, to be "inspectors" of schools, to "Visit ye School from time to time, when and as Oft, as they shall think fit to Enform themselves" of methods and proficiency. The ministers were further "by turns" to "pray with the Schollars, and Entertain 'em with Some Instructions of Piety Epecially Adapted to their Age and Education." This committee was originally created for the Grammar School in School Street but its province was

quickly made to cover all the schools existing. This system continued for many years. After a time the yearly vote named the selectmen and those whom they should invite to form this committee, always including the necessary clergymen. The selectmen made the most of their authority of invitation; and whether appointed by the town or its executive servants, this committee was always a large and formidable one. The name of practically every man with any claim to eminence in town life is to be found in these committee lists at one time or another.

According to *A Chronology of the Boston Schools* by the late George A. O. Ernest, once a valued and able member of the Boston School Committee, the modern school-committee system came into being by town vote in 1789 and from then on the administration of the schools was in its hands.

Town Courts

The early local courts functioned much as they did in England. The slight duties of the officer at present known as Justice of the Peace are the barest inheritance from the functions of the Justice of the Peace in the eighteenth century. He had the full panoply of the magistrate. In small matters he was the court of first resort. He was not often a lawyer, but he was usually both shrewd and sound.

Next above was the Inferior Court of Common Pleas established in each county in 1699. This court was given jurisdiction of all common-law actions arising in the county, provided that no action for less than forty shillings could be initiated in it, unless it concerned freehold. The decisions of the Justice of the Peace were appealable to the Court of Common Pleas.

Roughly speaking, just as the Superior Court of Judicature of the eighteenth century corresponds with the Supreme Judicial Court today, so the Court of Common Pleas held the position in the judicial structure of the present Superior Court; and the Justice of the Peace parallels the District or Municipal Court today.

There is one difference however. The Common Pleas Court was a county court, not a court trying "in and for"

the county. The Court of Common Pleas in Essex, for instance, had nothing to do with that of Suffolk; but the Superior Court gave down the law through its decisions to each.

There were few great judges or eminent lawyers on the bench; but although laymen generally may believe that all law is written down categorically in black and white, the fact is that law springs from the sense of right and justice in the public mind and is interpreted in decisions. That automatic pressure made the intelligent and justice loving laymen of New England render decisions of substantial fairness along lines long since permanent.

Fire Protection

Built principally of wood, Boston suffered often from fire. More than once was the Town House injured and once it was practically gutted. Disastrous conflagrations in the town are noted in 1676, 1690, 1711, 1747, and 1760. The town was divided into districts under fire wards in 1711. By 1733 there were seven hand engines for extinguishing fires, distributed at convenient points such as Court Street, the Dock, the North Watch House and the Town House. Regulations seeking to minimize the danger of fire were adopted by the town in the first year of the century. These regulations demanded that a fire upon a vessel at or near a wharf should be extinguished at 10 P. M. and not be lighted before 5 A. M. They regulated the keeping of gun powder and the burning of casks by coopers; and made it incumbent on every householder to have a pipe, hogshead or tierce of water on the premises.

The service of the hand engines was voluntary and there was no remuneration for the firemen; but here we see the first germ of that rivalry between companies, which in some instances in the nineteenth century led to reprisals on one another's apparatus while the fire was allowed to spread. Five pounds were allowed to the company first to get to work at a fire.

The Fire Society was organized in 1718 "for mutual aid in case it should please Almighty God to permit the breaking out of fire in Boston where we live." This society was followed by many others. One club instituted in 1753 had among its

members James Otis and John Cotton. This society dined well at its quarterly meetings. One bill from the Bunch of Grapes Tavern, for over fifteen pounds, showed that only three pounds went for edibles and the rest for madeira and the immortal alliterative trio—port, punch and porter. Little in the Boston of that time was individual. Except for its insistent churchmanship, which it shared with other Massachusetts towns, one might well have lived in a lesser London.

Defiance of the Royal Government

The intent of the citizens to control as far as they could their officers, no matter though one be the Royal Governor, crops out as early as 1731 when the Town Meeting instructs its representatives against legislating a regular salary for that officer, lest it make him more independent of the citizenship. The instructions recommended that raising money be done in a way "Consistant with the safety of this Province, and the Preservation of our rights and Priveledges; and in as much as the charter gives the Great and General Court full power to Support the Government. Here by Enacting such Laws and Ordinances as they in their Great Wisdom Shall Judge best Adapted to Subserve the true Interest of His Majesty's Good Subjects of this Province a complyance with His Majesties Instructions would Enevitably Clash with the Power of making Laws, and Deprive this People of one of the most valuable Priveledges Held and Enjoyed by the Charter."

And the meeting further directs these representatives to oppose "any bill for the supply of the Treasury . . . That may in the Least Bear upon Our National Rights and charter Priveledges which we apprehend giving in to the King's Instructions would Certainly do."

More and more comes the strain in the relations between the colonists whom Sam Adams led and the conservatives at home and the King's ministers abroad. For instance in 1764 the instructions direct the town's delegation to use its power to maintain "the invaluable rights and Priveledges of the Province as well as those rights which are derived to us by the Royal Charter, as those which being prior to and independent on it, we hold essentially as Freeborn Subjects of Gt. Britain."

"What still increases our apprehensions is, that these unexpected Proceedings may be preparatory to more extensive Taxations upon us. For if our Trade may be taxed, why not our Lands, and Produce of our lands, and in short everything we possess or make use of? This, we apprehend, annihilates our Charter Rights to govern and tax ourselves. . . . If Taxes are laid upon us in any shape without our having a legal representation where they are laid, are we not reduced from the Character of free Subjects to the miserable State of tributary Slaves?"

And at last: "As his Majesty's other Northern American Colonies are embarked with us in this most important Bottom, we further desire you to use your Endeavors that their weight may be added to that of this Province; that by the united Applications of all who are Aggrieved, all may happily attain Redress." Here we see the hand of Adams, although Dana was chairman of the committee with Adams next in order. His original draft is still in existence. It antedated Patrick Henry's "Virginia resolutions," taking similar ground by a year. It was Adams' first great public paper.

Boston in the Crisis of 1766–1769

But the Stamp Act came. The protests are loud and frequent; but on April 21, 1766, the meeting provides for celebration of the repeal as soon as "certain advice" of the action is received by the selectmen. In the same year Otis, Hancock, Samuel Adams and Cushing are chosen representatives and instructed to "openly profess duty and loyalty to the King . . . being at the same time vigilant and Jealous, of our Just rights and liberties and privileges."

Throughout this period the meeting sends frequent letters, addresses and acknowledgments to the English friends of America of whom Colonel Barre is the evident favorite. Soon the meeting is protesting against the proposed quartering of troops in the town; then in 1769 the representatives are instructed to vote no money for the support of the troops. In the resolves, addresses and instructions the strong men of the town upon the side of resistance have part: not only Otis, Samuel Adams, Hancock and Cushing but John Adams, Warren, Dana, Quincy and Church.

Boston Massacre Orations (1770–1771)

The spontaneous town meeting after the Massacre has already been referred to. On each year thereafter for many years, until the establishment in 1783 of July 4 as town oration day, the town held a meeting to listen to an oration on March 5 "to perpetuate the Memory of the horrid Massacre, perpetrated on the Evening of the Fifth of March 1770—by a Party of Soldiers, under the Order and Eye of Capt. Thomas Preston of the 29th Regiment." The order is always nearly identical and Captain Preston, defended by John Adams and acquitted by a Boston jury, is always mentioned. The formalities bring a smile to the lips of a reader of these old minutes. The meeting convenes. A committee previously appointed soberly reports the name of the orator known to the town for a long time. The town acts immediately and favorably upon this report. On motion another committee is appointed to solicit the consent of the orator, whose oration, long since prepared, is ready. The meeting adjourns from Faneuil Hall to the Old South. The committee reports the acquiescence of the orator. The oration is delivered. The orator is thanked for his "elegant effort" and a committee is appointed to solicit from him a copy of the oration for publication and the meeting adjourns; but not without, sometimes, taking up a collection for "Mr. Christopher Monk, a young Man now languishing under a Wound he received in his Lungs, by a Shot from Preston's Butchering Party of Soldiers." This was often done, though the town itself refused the young apprentice or his master the direct aid for which the latter petitioned.

Sam Adams in Boston Town Meeting (1760–1775)

The most striking figure in Boston Town Meeting during the eighteenth century is one Sam Adams. His mind was constantly at work; a fire burned resistlessly within him. He saw and worked for that which in the 'sixties would have shocked his co-workers. He had vision; and like few men with a great dream, he knew his time and how to bide it. It is easy to find superficial sources of comparison between Abraham Lincoln and other great Americans. Few can stand that comparison as well as Samuel Adams. Both were men of the

people. Both men were of tremendous importance to great epochal causes: Adams to national liberty, Lincoln to union and personal freedom. Both were acute politicians with statesmanlike outlook. Each had a secret hope, which he did not disclose early enough to have it overwhelm him.

Their early beginnings were widely different. Adams was a man of the town, Lincoln a son of the forest. Yet Lincoln at Philadelphia, February 22, 1861, expressed a willingness to "die by" his convictions, and in fact did die because of them, and Adams would have laid down his life for his convictions.

As a politician Adams dominated the town meeting. He worked much in the open. When he marched from the Town House to the Town Meeting at the Old South on the day after the "massacre," his "both regiments or none," spoken to the crowds which lined the way, was open enough. But he did have the politician's understanding of preparing the way for things he advocated. Little by little he planned and put his followers in possession of his plans, and each knew what he was to do.

Out of this combination at last came the caucus. It rose out of the Merchant's Club and the Caucus Club of Adams' friends and followers. Two parties of opposite faiths operated in the Town Meeting. The party which Adams led never entered the meeting vaguely. They were prepared. Adams's second cousin, John Adams, wrote a classic description of the caucus of that period: "This day learned that the Caucus Club meets at certain times in the garret of Tom Dawes, the adjutant of the Boston regiment. He has a large house, and he has a movable partition in his garret, which he takes down, and the whole club meets in one room. There they smoke tobacco till you cannot see from one end of the garret to the other. There they drink flip, I suppose, and there they choose a moderator who puts questions to the vote regularly; and selectmen, assessors, collectors, wardens, fire-wards, and representatives are regularly chosen before they are chosen in the town. Uncle Fairfield, Story, Ruddock, Adams, Cooper, and a *rudis indigestaque moles* are members. They send committees to wait on the Merchant's Club, and to propose and join in the choice of men and measures."

Samuel Adams was not only a man of the highest patriotism,

which burned so brightly within him that perhaps the flame of fanaticism was kindled by it; he was a skilled puller of invisible wires. But he knew well on occasion how to confine the crowd in the open, although he was "no orator as Brutus is." That he never lacked resource was shown, for instance, at the time when Boston merchants were urged to abstain from handling British goods. A Scottish born importer insisted on carrying the commodities. Samuel Adams rose in public meeting, with two thousand citizens present and the great majority in agreement with him, and with a grim humor moved that those present resolve themselves into a committee of the whole to wait upon the recalcitrant shopkeeper. The poor Scotsman could not capitulate too quickly. He rushed to the front and made his agreement immediately and insistently vocal, and then took refuge under Adams' wing.

Boston Town during the Revolution (1775–1776)

The last meeting in Boston proper, before the seige began and civil administration was suspended, was held on April 3, 1775. In about a fortnight Earl Percy was to march over the neck, follow the route of Dawes on the night before, rescue Smith and return to Boston hurried and harried, to be shut up in the city for almost a year.

One Boston Town Meeting was held beyond the limits of the town. The citizens transacted no town business; but they kept the continuity of Massacre orations unbroken and, as a Boston Town Meeting observing all the forms, they listened to Peter Thacher's oration on March 5, 1776, at Watertown.

March 29 of that year the regular order was resumed within Boston Town, to continue uninterrupted until the city charter went into effect. The resolutions of May 30, 1776, brought to its local fruition all that for which Samuel Adams had first secretly and then publicly labored. Concerning King George the meeting resolved "loyalty to him is *now* Treason to our Country" and the meeting looks forward to the time when Congress in its wisdom "Shall dictate the Necessity of Making a Declaration of Independence." Thus the old patriot saw the wheel come full circle.

During the Revolution the Town Meeting carried the busi-

ness of the town along with prudence and it had relations not only with the state but with the Federal Congress. That the town was still prudent, farseeing and patriotic is to be found in its recommendation of December 5, 1776. Congress is making a levy of three-months men for the army, but the Town Meeting looks the war and the facts in the face, and deliberately recommends a three-year enlistment.

Boston did not feel altogether safe during the years after the siege, albeit the seat of war was elsewhere. Not only was there fear of attack by sea but also that it would be assisted by British sympathizers still in the city and by the prisoners of war quartered in the town. The meeting therefor asks for necessary arms and accoutrements and the appointment of commissioners to be empowered to remove from Boston "any Person or Persons in this town" whose presence "is inconsistent with public peace and safety."

Boston's Enlargement of Ideas (1776–1791)

It was in "public peace and safety" that Boston was to finish the century. A nation had been created. Its citizens had in Congressional halls and on battlefields worked in harmony with other Americans, of all sorts and conditions of thought, secular and religious. The Puritan was not passing, but his municipal and in some degree his individual narrowness was ameliorating. The last decade before the Revolution saw a development of interest in political questions which could not have happened earlier. Witness an extract from the instructions to the representatives, reported by Perez Morton, and passed by the town meeting of 1791.

"They Consider the right to relax from the Toils of Industry & the fatigue of Business by A resort to any *rational and innocent amusement,* as Constituting no inconsiderable part of the happiness of Civil Society and one of the essential blessings confirmed to them by A free constituting of Government.

"A *Theatre* where the Actions of great & Virtuous Men are represented Under every possible embellishment, which genius and eloquence can give will not only afford A rational and innocent amusement, but essentially Advance the interest of

Public and Private virtue, will have a Tendency to Polish the Manners and habits of Society, to disseminate the Social affections, and to improve the literary taste of our rising Republic."

A hundred years had brought about a sweeter temper, a freer outlook, a Boston Town which felt the leaven of national associations, a competent and self-respecting community. Still there was much to learn of tolerance and hospitality, but a love of liberty had lodged in men's minds and a habit of thought which the hundred years before the Revolution had strengthened. With that century behind him the Bostonian of 1800 was indeed a citizen of no mean city.

SELECT BIBLIOGRAPHY

BOSTON: RECORD COMMISSIONERS.—*Reports* (39 vols., Boston, 1880-1909)—The town records in full are to be found in these volumes and in the *Boston Record* reports of the City Registrar.

BRAYLEY, ARTHUR WELLINGTON.—*A Complete History of the Boston Fire Department from 1630-1888* (Boston, Dale, 1889)—Contains matter concerning early conflagrations and the fire fighting force of early days.

ERNST, CARL W.—"Constitutional History of Boston, Massachusetts" *(Professional and Industrial History of Suffolk County, Massachusetts,* 3 vols., Boston, Boston History Co., 1894)—See Vol. III, pp. 9-173.

ERNST, GEORGE A. O.—"A chronology of the Boston Public Schools" (BOSTON: FINANCE COMMISSIONER, *Reports,* Vol. VII, Boston, 1912)—See pp. 295-320.

HART, ALBERT BUSHNELL.—*Practical Essays on American Government.* (N. Y., Longmans, Green, 1894)—See pp. 133-146, "The Colonial Town Meeting;" short essay on the New England town meeting, with several references to Boston.

HOSMER, JAMES K.—*Samuel Adams* (Boston, Houghton Mifflin, 1900)—Hosmer understood the spirit of Adams and of Boston, and visualizes it admirably.

MASON, ALBERT.—"A Short History of the Supreme Judicial Court of Massachusetts; Part I, Judicial History prior to 1780" *(Mass. Law Quarterly,* 1916, Vol. II, pp. 82-100)—A judicial study which describes briefly the institution and status of the provincial courts. The same account appears in W. T. Davis, *The New England States,* Vol. III, chap. CXXXIV.

SAVAGE, EDWARD H., compiler.—*Boston Events. A Brief Mention and the Date of more than 5,000 Events that Transpired in Boston from 1630 to 1880* (Boston, Tolman and White, 1884)—Catalogue of happenings in Boston since the earliest time. Provocative but should not be used without supporting statements from further research.

SCUDDER, HORACE E.—"The Provincial Period" (WINSOR, JUSTIN, editor, *Memorial History of Boston,* 4 vols., Boston, Osgood, 1882-1886)—See Vol. II, pp. 437-490. A careful and readable treatise on the town and its people and customs in the eighteenth century.

WINSLOW, OLA ELIZABETH.—*Harper's Literary Museum; selected from Early American Writing* (N. Y., Harper, 1927)—Contains much interesting colonial matter, including interesting items from newspapers, many of which were published in Boston.

WINSOR, JUSTIN, editor.—*Memorial History of Boston* (4 vols., 1882-1886)—Vol. II deals with the provincial period.

CHAPTER IX

SOCIAL LIFE IN TOWN AND COUNTRY (1689 – 1763)

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Race Elements in Massachusetts

The history of the Province of Massachusetts is in effect a history of people of English stock, using only the English language and connected with England by ties of race, kinship, literature, commerce, and government. During the provincial period there began a movement of non-English people to Massachusetts, though not on such a scale as to cause a serious social problem or to alter the dominant Anglo-Saxon cast of the community. The first group to arrive were Huguenots, fleeing from persecution after the revocation of the Edict of Nantes. From the very first the attitude of the Boston authorities was sympathetic. In 1685 the Council had announced as a policy to be followed from then on with regard to these people, that upon taking the oath of allegiance before the proper officials they should be allowed to take up residence in the colony and should enjoy as complete freedom of movement as any other of His Majesty's subjects. The Boston ministers were equally friendly in their greeting and were prompt to appeal to their congregations for material aid for the newcomers, who in many cases were destitute.

The problem of finding a permanent place for them was linked up with the problem of the frontiers, a policy which was followed with varying success with each of the new stocks that came to the colony.

From the opening of the eighteenth century the Province followed a general immigration policy. By the law of 1700

it was required that each master of a vessel should furnish the receiver of imposts with a complete list of his passengers, together with an account of their material status and physical condition. Each immigrant, moreover, was required to give security that the town in which he settled would not be charged with his support. Otherwise he was not allowed to stay in the Province, and the master of the vessel must carry him away. In 1724 exception was made for those newcomers bringing effects of £50 value (not including necessary household goods and wearing apparel); likewise for all able-bodied husbandmen, marines, carpenters, laborers, and indentured servants, provided they were not of vicious habits. The purpose of such legislation is obvious. It is really part of the system of provincial poor-laws. By sending them to the more remote and less settled areas it was hoped that new regions would be opened up, incidentally brightening the financial prospects of land speculators, and that a stronger defense against Indian raids would be created. The site chosen for the Huguenots was Oxford, and a settlement was begun in 1687. The experiment, however, was not successful. Serious difficulties with the Indians arose, largely due to the Huguenots' own impolitic conduct, and the place was abandoned in 1696. An attempt to revive it in 1699 lasted only till 1704. From then on, the great part of the Huguenots centered in Boston, where some of them, as the names Bowdoin, Fanueil, and Revere indicate, became prominent figures in the life of both town and province.

Scotch Irish Element

The Scotch-Irish, several hundred of whom arrived in Boston in 1718, were not so cordially received. The selectmen, in fact, were ready at once to take steps to secure the town from charges which might be incurred by reason of the great influx. It was not, however, an immigration of paupers. Thomas Lechmere, writing to John Winthrop at the time, said that it would be "much out of the way to think that these Irish are servants. They are generally men of estates, and are come over hither for no other reason but upon encouragement sent from hence, upon notice given that they should have so many acres of land given them gratis to settle our frontier as a barrier

against Indians." The real cause of the cool reception was the fear expressed by Lechmere that "these confounded Irish will eat us all up, provisions being most extravagantly dear, & scarce of all sorts."

Nevertheless, provision was made for settling these Scotch-Irish at Worcester, then a pioneer region. From that point in subsequent years they spread throughout western Massachusetts. The first migration, to Pelham, in 1738, indicates that this new element in the population presented difficulties in the way of social adjustment. Both race and religion (though the old and new elements were both Protestant) tended to create antagonisms which were bitterly resented. Those at Worcester, for instance, petitioned the General Court to call them Scots so that they might escape abuse and misrepresentation as Irish, the term then generally applied to them. With their dispersal through the western counties, however, and their adaptation to the pioneer life, this problem doubtless became much less acute.

German and Acadian Elements

In the middle of the eighteenth century there came to Massachusetts a thin trickle of Germans, the result of a definite move by the Provincial Government to encourage the immigration of "industrious and well disposed Protestant Foreigners," who might remedy the scarcity of labor and further the settlement of the frontier. In pursuance of the latter purpose two townships in the Berkshires were set apart in 1750 for groups of 120 German families who might be attracted by prospects of bettering their condition in the new world. Several hundred Germans came to the Province as a result of this campaign; but the means used to secure them were utterly discreditable.

One Joseph Crellius, a German living in Philadelphia, in return for the promise of 200 acres in each township undertook to get the desired immigrants. That he ever considered such terms sufficient is unlikely in view of his subsequent conduct. Toward both groups of Germans that he persuaded to emigrate he exercised the grossest deception; with the result that, when they arrived in Massachusetts, the great part of

them found themselves in debt for the passage for which they had presumably paid in full, and were forced to become indentured servants, which was undoubtedly Crellius's intention from the first. Some of them later found their way to the place originally designed for them, and in 1757 a group of seven Germans purchased from the town of Lexington a 1000-acre tract in "Dorchester Canada," now Ashburnham. There is no evidence that the Germans as a racial group played a significant part in the life of the Province.

A sad plight was that of the Acadians, some 2000 of whom were brought to Massachusetts at the time of the deportation in 1755. Little adapted as they were at best for fitting into their new environment, their situation was all the more difficult because of their religion. On almost all other points, according to Hutchinson, the authorities were inclined to be sympathetic; on that vital one they were adamant, and the colonial opinion was in absolute agreement. But the Acadians were not a permanent problem. By 1760 fully one half of them had drifted out of the Province.

Indentured Servants

Massachusetts, like the other colonies, received indentured servants, who held much the same social status and performed much the same function in society as in other parts of the country. Advertisements such as the following (from the *Weekly Journal* of July 14, 1729) were common in the provincial press before the Revolution. "To be sold by Mr. John Wheelwright, A Parcel of White Servants, both Male and Female, lately arrived from Europe, their Time from 4 to 11 Years, and are to be seen on board the Vessel at the Long Wharffe."

Laws were passed from time to time regarding servants, giving them certain guarantees that the person to whom they were bound would respect the distinction between their status and that of slaves. They could not, for instance, be sold out of the Province without their consent. They must be provided with wholesome and sufficient food, clothing, and lodging, convenient times for food and rest, and care while sick.

At the same time, they were made to realize that they were

not freemen. Any who had been unfaithful, negligent, or unprofitable in service, even though they had been ill used, were not to be dismissed from their contract until they had made satisfaction according to the judgment of the authorities. Servants, like slaves, were not to be allowed to while away their time at the taverns.

Above all, steps were taken to prevent indentured servants from fleeing from the Province to avoid completing their term of service. In 1718 a law was passed providing that "every master of any outward bound ship or vessel that shall hereafter carry or transport out of this province any person under age, or bought or hired servant or apprentice, to any parts beyond the seas, without the consent of . . . master, parent or guardian, signified in writing, shall forfeit the sum of fifty pounds." A runaway servant could be reclaimed by his master, as was the case with slaves. An advertisement in the *Boston Gazette* of January 1, 1770, is typical of many that can be found in the press of earlier years. "Ran away from Samuel Gilbert of Littleton, an indentured Servant Boy, named Samuel Gilson, about 17 years old, of a middling Stature for his age, and wears black curled Hair, he carried away with him a blue cloth Coat, a light colored Jacket with sleeves, one pair of worsted Stockings, two striped woolen Shirts, and one good linnen Shirt. He went away in company with a short thick set Fellow, who wore a green coat and a green Jacket double breasted, also a pair Indian green Stockings. Whoever shall take up and secure, or give information of said runaway, so that his master may find him again, shall receive a Reward of two dollars and all necessary charges from Samuel Gilbert."

Once the term of service had expired, the former bondsman took his place in society without any apparent social stigma because of his beginnings. In many cases such people came to assume places of considerable importance in the communities where they subsequently made their homes.

Negro Slaves

Although Massachusetts was from the very first politically a free society, the institution of chattel slavery existed through-

out the colonial and provincial periods. In origin it was a phase of the colonial Indian policy, but long before the end of the seventeenth century a great part of those held in bondage were negroes. As early as 1641 slavery was given a definite legal basis in a section of the Body of Liberties, which has unaccountably been accepted as a declaration that freedom was the normal state of mankind. "There shall never be any bond slaverie, villinage or captivities amongst us unless it be lawfull captives taken in just warres, and such strangers as willingly selle themselves or are sold to us. And these shall have all the liberties and Christian usages which the law of God established in Israell concerning such persons doeth morally require. This exempts none from servitude who shall be Judged thereto by Authoritie." By a later act (1698) children of slaves were definitely declared to be slaves. Thus protected by law, the institution grew. Governor Dudley reported 400 slaves in Boston in 1708, one-half of them born there; by 1742 the number had increased almost fourfold. For the Province as a whole, Governor Shute reported 2,000, including Indians, while the census of negroes taken in 1764-1765 showed a total of 5,779, few of them free.

Such human property was amply protected. Runaway slaves found within the Province could be recovered like any other chattels. Hence many an issue of the provincial press contained such advertisements as this: "Ran-away from Capt. *Nathanael Cary* of *Charlestown,* on *Saturday* the 17th Currant, a well set middle sized *Madagascar* Negro Woman, called *Penelope,* about 35 years of Age: With several sorts of Apparel; one whereof is a flowered damask Gown: she speaks English well. Whoever shall take up said negro Servant and her Convey to her above-said master, shall have sufficient Reward."

The presence of this race element in the community presented certain social problems requiring legislation. There was, for instance, in 1705 an act "to prevent mixed issue," wherein it was provided that a negro of either sex having sexual relations with a white person should be sold out of the Province. Mixed marriages were prohibited, and a fine of £50 was to be imposed on any ministers performing such.

In many quarters was felt a fear of the negroes, not

TAKEN up astray in Dorchester, some time since, a dark coloured bay Mare, with two Panniards, in which were several Mackeril and some pieces of salt Fish &c. The Owner by applying to Mr Matthew Pymer of Dorchester aforesaid, may have the Mare &c again, paying Charges.

TO be Sold a likely Negro Boy about 18 Years of Age, speaks good English, and hath been used to almost all sorts of Business either in Town of Country; whoever inclines to purchase said Negro let them inquire of the Printer hereof.

RAN-away from his Master Nathanael Holbrook of Sherburn, on Wednesday the 19th of Sept last. an Indian Lad of aboat 18 Years of Age, named John Pitteme: He is pretty well sett and of a guilty Countenance, and has short Hair: He had on a grey Coat with Pewter Buttons, Leather Breeches, an old tow Shirt, grey Stockings, good Shoes and a Felt Hat.

Whosoever shall take up the said Servant, and convey him to his Master in Sherburn, shall have Forty Shillings Reward, and all necessary Charges paid. We hear the said Servant intended to change his Name and his Clothes.

ANY Person that has a Hat and Cane which is none of their Own, are desired to bring or send them to the Printing-House in Newbury-Street, and shall Receive Ten Shillings as a Reward.

ALL Persons that have any Demands on the Estate of John Buttolph, late of Boston, Wine Cooper, deceas'd are desired to apply to his Relict Widow and Administratrix Mehitable Buttolph for Payment; and those Indebted to said Estate are desired to make speedy Payment to said Administratrix, as they would avoid further Trouble.

A Wet Nurse, with a good Breast of Milk, that would go into a Family, may be heard of by enquiring of the Printer.

STolen out of a House in this Town, on Tuesday the 25th of September past, several Yards of printed Linnen two Pair of Childrens scarlet Broad Cloth Shoes, several Peices of Quality Bindings Whoever will inform the Printer thereof, so that the Person who stole them may be brought to Justice, shall have Forty Shillings Reward. And if such Goods be offered to be Paw'd or Sold, it is desired they may be stopt and notice given as aforesaid.

WHEREAS Dr. Tucker, who lately dwelt at the North End of Boston has removed to his Farm at Chelmsford, and his Wife Martha refuses to dwell with him; he therefore cautions all Persons against harbouring or entertaining his said Wife as they would avoid the Trouble of a Law Suit; and he desires that none would give Credit to his said Wife on his Account for he declares he will not pay any Debts contracted by her, while separated from him

From an original in the Harvard College Library

ADVERTISEMENTS FROM *The Boston News-Letter* FOR OCTOBER 4-11, 1739

wholly unjustified in view of the fact that many of them had been brought direct from Africa. Every attempt was made to circumscribe their movements lest they create grave disturbance. Such was an order of the Court of General Sessions in 1705 which directed "the several Constables and Tything men within the Town of Boston, frequently to walk the Streets of said Town after 9 at night, and more especially in the Evenings of the Lords-Day & Training-Days, to see if after that time, any Indian, Negro or Molatto Servant or Slave is found abroad unless upon some Errand of their Masters or Owners; As also to search all Houses that are suspected to Entertain such Servants or Slaves contrary to Law, and finding any such (if it be too late in the night) to restrain them in the Common Prison, Watch House, or Constable's House till morning, to be carried before a Justice of the Peace, to receive the Discipline of the House of Correction, that all such Disorders be prevented." Of similar intent were provisions against negroes being served with intoxicants at the public houses.

Massachusetts did not undergo any race riot or such a panic as occurred in New York in 1727. Nevertheless individual cases where slaves took violent measures against their master were not unheard of. In 1755 there was the case of Mark and Phillis, two negroes who murdered their master, Captain John Codman of Charlestown. Action was taken against them under the English common law of petit treason, and being found guilty, the woman was burned alive (perhaps previously strangled) and the man hanged.

Uneasiness over the growing number of slaves reflected itself in even more positive ways. In 1705 an attempt was made to discourage the importation of negroes by levying a duty of £4 a head on such as were brought into the Province and not reëxported. This provision remained in force, with the exception of a four-year period, until 1749. Nevertheless, as the records of the General Court show, it was frequently possible to have it set aside.

It is even possible that the duty might have been increased were it not for the fact that Governor Belcher's instructions ordered him to veto such a measure. In 1767 a group were

willing to go so far as to ban all importations of slaves, but their movement was a failure.

Anti-Slavery in Massachusetts

A few charitable persons were sufficiently concerned to probe deeper than matters of expediency. Of these the most distinguished was Samuel Sewall, who published in 1700 his famous and well-written anti-slavery tract, *The Selling of Joseph.* It starts off: "Forasmuch as Liberty is in real value next unto Life: None ought to part with it themselves, or deprive others of it, but upon most mature consideration." Moreover, he argues, "Originally, and Naturally, there is no such thing as Slavery." According to Exod. 21, 16, he says, "Manstealing is ranked among the most atrocious of Capital Crimes. What louder Cry can there be made of that Celebrated Warning. *Caveat Emptor!*" Sewall challenges the authority for slavery cited by many from Genesis; nor is he impressed by the argument that to bring the negroes from a pagan country to the influences of a Christian community is a sufficient justification for their being enslaved. "Evil must not be done, that good may come of it." Sewall argued from expediency as well as from moral law, but public opinion as a whole was not ready as yet to take the course which he urged.

In fact, the practice of some holders in freeing their slaves was officially discouraged, as is seen in an act of 1702: "No Molatto or Negro Slave shall hereafter be manumitted, or Discharged or set Free, until sufficient Security be given to the Treasurer of the town or Place where such person dwells, in a valuable Sum, not less than *Fifty Pounds.*" The people of Massachusetts did not intend to take any reckless steps that might cause a rise in the poor rates.

Treatment of Indians

Although diminishing in numbers during the course of the eighteenth century, the Indians continued as an element in Massachusetts society, creating public problems that had to be met. Not a few of them were held as slaves. To a certain extent this was the result of the policy of earlier colonial times

when Indians taken "in just warres" were held in bondage by the settlers. By the eighteenth century, however, the greater number thus used were being acquired from other colonies, particularly the Carolinas. In 1712 the General Court decided that such a practice was prejudicial to the public welfare. It was pointed out that "divers conspiracies, outrages, barbarities, murders, burglaries, thefts, and other notorious crimes and enormities" had been of late perpetrated by the Indian slaves; that they were "of a malicious, surley and revengeful spirit, rude and insolent in their behaviour, and very ungovernable"; and that they were a great source of danger at a time when the Province was being subjected to the ravages of Indian warfare. Such importations were therefore prohibited in the future.

Not all the Indians, however, living amongst the whites were slaves, and for these there is much evidence that the authorities showed a solicitous regard. Some people had made the experiment of attempting to civilise the Indians by apprenticing them and their children to whites, and out of this naturally grew many abuses. In 1700 the General Court intervened and required that in the future the consent of two or more justices to such proceedings should be secured. In this way it was hoped that the terms made would be reasonable. Justices were also empowered to hear the complaint of any Indian regarding his indenture or apprenticeship and to settle such disputes.

The records of the General Court also show that it was not uncommon to make appropriations by way of charity for Indians who were physically incapacitated. Furthermore, missionary activities continued among the natives. Many of the earlier preaching stations in the eastern part of the Province were maintained, and in 1736 there was inaugurated under John Sergeant's direction the famous enterprise at Stockbridge which was later for a time the scene of Jonathan Edwards's labors.

Treatment of the Poor and Shiftless

While the eighteenth century was for Massachusetts as a whole a period of increasing prosperity, the problem of paup-

ers was always present (as is shown for the previous century in a chapter of Volume 1). The part played by the provincial government in finding a solution was to indicate the lines along which public charity should be carried out, and to authorise certain preventive measures. The actual administration was in the hands of the counties and towns.

The characteristic Puritan abhorrence of idleness, as something that undermines the character and leads to poverty, runs through much of the legislation on this subject. In the session of 1692-93, for instance, provision was made that the overseers of the poor or the selectmen should see to it that "all children, youth, and other persons of able body living within the same town, or precincts thereof (not having estates otherwise to maintain themselves) do not live idly or misspend their time in loitering, but they be brought up or employed in some honest calling, which may be profitable to themselves and the publick." Any persons "fit and able to work" who should be found loitering and misspending their time or wandering from place to place, were upon conviction to be sent to the house of correction. "At their entrance" they were to be "whipped on the naked back by the master of such house or such other as he shall procure, not exceeding ten lashes." They were to be kept there at hard labor until released by the court. Overseers were also authorised to bind out as apprentices the children of paupers as well as of those who in the judges' estimation were unable to support them themselves.

This same scorn for the poor is seen in the act of 1699 designed for "the Suppressing and Punishing of Rogues, Vagabonds, Common Beggars, and other Lewd, Idle and Disorderly Persons; and also for setting the Poor to work." Lumped together with the poor were "persons using any subtle craft, juggling or unlawful Games or Plays; or feigning themselves to have Knowledge in Physiognomy, Palmestry; or pretending that they can tell Destinies, Fortunes, or discover where lost or stol'n Goods may be found; Common Pipers, Fidlers, Runaways; Stubborn Servants or Children, common Drunkards, common Night Walkers, Pilferers, Wanton and Lascivious persons, either in Speech or Behaviour; common Railers, or Brawlers; such as neglect their Callings, misspend what they earn, and do not provide for themselves or the support of their

Families." In order that such undesirables might be prohibited from spreading their dangerous influence, it was required that every county provide itself with a house of correction. The selectmen of each town were to furnish materials for keeping at work such of its inhabitants as might be inmates, and each town was to be charged with the cost of maintaining its own derelicts thus imprisoned.

In 1735 the General Court inaugurated a new system, with a special law for Boston, authorizing the board of overseers to erect a workhouse to which they could commit "idle and indigent" people. The same law provided that, in cases where parents brought up their children in such gross ignorance that they did not know the alphabet or twenty-four letters at the age of six, the overseers might bind out the children into good families "for a decent and Christian education." In the session of 1743-44 this system of workhouses was made general by an act allowing any town or group of towns to erect and operate such institutions.

As a logical part of this policy of simultaneously taking care of and discouraging poverty, which made each town responsible for the maintenance of its poor, the General Court provided that the town authorities might warn away any newcomer who was thought likely to become a town charge. Such a measure was considered only fair in view of the fact that the right of inhabitancy carried with it the right to demand support from the town in case of need. At the beginning of the provincial period such a warning had to be given within three months; in 1700 this time was extended to twelve months. Whether or not a person thus officially warned left the town—and he could be forcibly expelled—he was not regarded as a full-fledged inhabitant and was not entitled to poor relief. Some communities exercised this right with discretion, applying it only to those who were really thought likely to need support. Others, however, adopted the policy of warning away every newcomer. The result was that in those cases where the warning was not enforced there came to be a large number who were actually inhabitants, paying taxes and holding offices, without ever acquiring the legal right of inhabitancy.

Public and Private Charity

In some other cases, however, Massachusetts charity was less stern. The General Court adopted a resolution in November, 1720 to the effect that "the Selectmen of the Town of Boston be desired to take Care for the Fenishing the Hospital upon Spectacle Island, so as to make it warm & comfortable, for the Entertainment of the Sick, And that they Supply necessarys, to such as are there & not able to provide for themselves, To be paid for out of the publick Treasury." Some years before, the provincial government had made appropriations to the Boston overseers for the maintenance of certain refugees from the eastern settlements; and in 1721 the sum of £1,000 was voted for the Boston poor whom the small-pox had kept from earning their own living.

Private charity was not uncommon. Several societies, in fact, existed for this purpose in Boston during the eighteenth century. Such, for instance, was the Scots' Charitable Society of Boston, organized in the previous century, which saw to "the relief of the poor of their own nation, having a considerable sum of money at interest, which they give out in small pensions to needy people." A similar organisation of the Irish started in 1737, while of less restricted scope was "The Society for encouraging Industry and employing the Poor." In addition, relief was furnished by special contributions of the churches.

According to Bennett, who saw conditions in Boston in 1740, these various methods for taking care of the less fortunate worked very well. "They . . . provide very well for their poor," he wrote, "and are very tender of exposing them that have lived in a handsome manner, and therefore give them good relief in so private a manner, that it is seldom known to any of their neighbors. And for the meaner sort they have a place built on purpose, which is called the Town Alms-House, where they are kept in a decent manner, and are, I think, taken care of in every respect suitable to their circumstances in life; and, for the generality, there are above a hundred poor persons in this house."

Anti-Catholicism

The problem for those not belonging to the established church was greatly simplified by the provision in the Charter of 1692 guaranteeing liberty of conscience and worship for all Protestants. The ban on Catholic ceremonies, however, remained, and throughout the provincial period the hostility to this creed continued. This antagonism was, of course, greatly stimulated by the French peril. It is reflected in a law of 1700 providing that "all and every Jesuit, Seminary Priest, Missionary, or other Ecclesiastical Person Made or Ordained by any Authority, Power or Jurisdiction derived, challenged, or pretended from the Pope or See of *Rome*" should leave the Province by September tenth of that year. Anyone found after that date "that shall profess himself, or otherwise appear to be such by practising and teaching of others to say any Popish Prayers, by celebrating Masses, granting of Absolutions, or using any other of the Romish Ceremonies and Rites of Worship . . . shall be deemed and accounted an Incendiary, and disturber of the Publick Peace and Safety, and an Enemy to the true Christian Religion, and shall be adjudged to suffer perpetual Imprisonment." Any such that should escape and be recaptured should be put to death. A fine of £200 was to be imposed upon anyone who harbored a Jesuit or any other priest.

While such legislation may be explained as a device for an emergency, a custom like Pope Day, humorous as it was, indicates that the anti-Catholic feeling was a part of the Massachusetts conscience. It was the local substitute for the English celebration of Guy Fawkes Day. On that occasion an effigy of the Pope, usually juxtaposed to one of the Devil, was placed on a platform and carried through the streets by the crowd, to the accompaniment of fire-crackers and other noise-making devices. On one occasion the figures were so contrived and manipulated that the Devil stood close behind the Pope, seemingly paying his compliments to him, but at regular intervals striking His Holiness in the back with a three-pronged fork. The climax of the parade was a bonfire in which the effigies were burned.

Whether or not it was because of the severity of the laws,

no evidence appears until the coming of the Acadians in 1755 of anything more than the smallest handful of Roman Catholics in the Province. The people's fears were of a possibility rather than of a reality.

Other Protestant Churches

The problem for the other non-conforming sects was of a different kind. It was a law of the Province that all inhabitants should contribute to the support of the religious establishment no matter what their religious beliefs or the church which they actually attended. Against the double charge for the maintenance of religion which such a law involved for all sects except the Congregationalists, constant pressure came particularly from the Quakers, Baptists, and Episcopalians. In 1720, for instance, a group of Quakers petitioned the General Court for relief, pleading that their consciences would "not allow them to pay their money for the Support of the said Ministers & Meetinghouses, And they being known diligently to attend the Publick Worship in their own Meetinghouses, every first day of the week."

The result of such repeated pressure was that in 1728 the General Court yielded so far as to pass an act exempting "persons commonly called Annabaptists and those called Quakers within this province from being taxed for & towards the support of Ministers." It was not a complete victory, however, since their property still remained taxable for this purpose.

Yet it was enough to stimulate the Episcopalians to renewed petitions for concessions. Such an attempt in 1732 was unsuccessful. It was argued by the committee to which the matter had been referred that "such of them as live at a great Distance must either stay at Home on the Lord's Day, & attend on no publick worship, which the Committee would hope they dare not allow themselves in, or else they must generally or for the greatest part of the Year, Attend on the Ministry established in the Churches of New England, In which case by all Laws, Divine, & humane they ought to Contribute towards the support of such a Minister, Nor will such persons attending three or four Times a Year at a Church of England much alter the matter." They did not, like

the Quakers, make it a scruple of conscience to attend a church other than their own. The Episcopalians, however, continued their campaign with eventual success. For an act of 1742 stated that members of the Church of England and their estates should be taxed for the support of the "publick worship of God," but that in the case of those who could show a certificate of membership signed by the minister and wardens the treasurer of the town should pay the amount of their tax to the minister of the Anglican church. Such Anglicans were to be in no way responsible for the support of the Congregational establishment.

Commencement, Election Day, Training Day

Edward Ward, writing of his trip to New England in 1699, reported cynically that "*Election, Commencement,* and *Training-days,* are their only Holy-days." However unreasonable the story, it would have been generally admitted that those occasions were looked forward to with eager expectations.

Particularly was this true in the case of Harvard Commencement, though to a soured Mather it was "an insipid, ill-contrived solemnity." The college authorities viewed with alarm the tendency of the "commencers" to make this a time for other than academic activities. Nevertheless it took on the air of a great public festivity to which people came from great distances, intent upon a good time. What was worse, the holiday-makers prolonged their revels through the rest of the week as though it were a pagan carnival.

For a brief period an attempt was made to check such wanton merriment by conducting Commencement "in a more private manner than usual," and by having it on Friday instead of Wednesday; but in 1736 the authorities yielded to pressure and went back to the old system. Commencement from that time on held its place as a social fixture in the life of the Province.

Election Day, or the Anniversary Election as it was commonly called, being the day on which the councillors for the ensuing year were chosen, under the provincial government came to be an event marked with considerable pomp and ceremony, and with much attendant gayety. An elaborate parade

conducted the governor into the heart of the colonial capital of Boston. The annual Election Sermon was the opportunity for a severe indictment of the Province for its moral lapses. A banquet was provided for the dignitaries and for those in high society. For the rank and file of the citizenry it was chiefly an occasion when one could drink more openly than usual, with reduced danger of getting into trouble if too much drink triumphed. Bostonians naturally got most out of the day, but many came in from outlying towns to enjoy the fun of the community outing.

The ordinary Training Day included the not too serious business of military exercises. As a break in the regular routine it brought large numbers of people together and was till long after the period of 1725 a popular festival diversion. Boston had in addition the training days of the Ancient and Honorable Artillery Company, membership in which was a thing to be highly prized. Artillery Election Day was a social function, preceded by the Artillery sermon, the call to deliver which was one of the highest honors to which the Massachusetts clergy aspired.

Observance of Royal Occasions

Commencement, Election Day, and Training Day were the only secular occasions which came anywhere near being general holidays. Certain other occasions called for celebrations, which came to be more generally observed as time went on. Particular notice was taken of the day when a new sovereign was proclaimed or crowned, anniversaries of the ruler's accession to the throne, and royal birthdays. All these festivities were formally observed under the provincial regime, and possibly were missed after the Revolution as rightful occasions for a big time. Our own celebration of the Fourth of July is probably a modern form of those celebrations.

In the *Boston News Letter* of September 20-27, 1714 can be read an account of Boston's recognition of the proclamation of George First in 1714. It led off with a great military display and ringing of bells. The Council Chamber was hung with scarlet cloth. At two o'clock there was a public dinner for the Lieutenant-Governor, the Council, and a number of

gentlemen and officers. In the evening toasts were drunk in the Council Chamber, while the Town House and the principal streets were "finely illuminated beyond what ever was known in the English America."

On George First's coronation day, according to the same authority, the Castle, batteries, ships of war, and merchant ships had all their colors out. At noon all the great guns were fired and the bells rung. The Assembly, civil and military officers, gentlemen, merchants, and others were "handsomely Entertain'd at the Town-House with all sorts of wine, expressing their great Joy on & Satisfaction in his majesty's Coronation & happy Accession to the throne of Great Britain."

Little objection appeared on the part of the elder generation to the idea of offering some manifestation of loyalty at such times; but frequently the outcome was bitter feelings and even occasional undisguisable friction. Perhaps the chief source of difficulty was that the celebration often came on a Saturday or a Sunday. In those instances, the court party in the Province were not too tender of Puritan principles or of laws on the statute books. It was inevitable, too, under those circumstances that many "of the common sort" would take advantage of the opportunity to defy hated restrictions and to crow a bit while doing it.

An incident of this kind occurred early in the new regime when the loss of the charter was still an open sore. Sewall's Diary records (Saturday, September 25, 1686): "The Queen's Birthday is celebrated by the Captains of the Frigots and sundry others at Noddles Iland. King and Council's Proclamation of November 6, last, was published by beat of Drum throw the Town to hinder their making Bonfires in the Town however. Went with their Boats to the Ships and Vessels and caused them to put out their Ancients. Many Guns fired. A kind of Tent set up at the Iland and a Flagg on the top on 't. Made a great Fire in the Evening, many Hussas." The feelings of many Bostonians were reflected in the entry for the following day. "Mr. Willard expresses great grief in 's Prayer for the Profanation of the Sabbath last night."

A similar difficulty arose in February 1702/3. "Went on purpose to speak to the Governour against having Illuminations, especially in the Town house; That so the profanation

of the Sabbath might be prevented. I said twould be most for the Honour of God; and that would be most for the Honour and Safety of Queen Anne. Governour said twould be hard for him to forbid it, considering how good the Queen was, what successes God had given her. I answered, It could not be introduced into the Town-House without his Excellency's Order, for under his Excellency the Government of the Town was (partly) committed to us. Governour answered not a word. Others urged our Law, the Grief of Good People, his best Friends. And I think all was said between us, that could be said." Two subsequent brief entries tell about the day itself. "Feb. 6. Between 8 and 9 m. The Bells begin to Ring, to celebrate Queen Anne's Birth-Day, being the last of the Week." "Feb. 11. The Governour under his hand remits the Fines of several sentenced to pay 5s apiece for drinking at Mrs. Monk's on Satterday night last about 9 o'clock."

A Jolly Queen's Birthday

When the Queen's Birthday arrived, Saturday, February 6, 1713/4, a trying day began for Sewall. "My neighbour Colson knocks at our door about 9. or past to tell of the Disorders at the Tavern at the South-end . . . kept by John Wallis. He desired me that I would accompany Mr. Bromfield and Constable Howell thither. It was 35. Minutes past Nine at Night before Mr. Bromfield came; then we went . . . Found much Company. They refus'd to go away. Said were there to drink the Queen's Health, and they had many other Healths to drink. Call'd for more Drink; drank to me. I took notice of the Affront to them. Said must and would stay upon that Solemn occasion. Mr. John Netmaker drank the Queen's Health to me. I told him that I drank none; upon that he ceas'd. Mr. Brinley put on his Hat to affront me. I made him take it off. I threaten'd to send some of them to prison; that did not move them. They said they could but pay their Fine, and doing that they might stay. I told them if they had not a Care, they would be guilty of a Riot. Mr. Bromfield spake of raising a number of Men to Quell them, and was in some heat, ready to run into the Street. But I did not like that. Not having Pen and Ink, I went to take their Names

with my Pensil, and not knowing how to Spell their Names, they themselves of their own accord writ them. Mr. Netmaker, reproaching the Province, said they had not made one good Law." After some persuasion the revellers consented to adjourn to a less public place. "The Clock in the room struck a pretty while before they departed. I went directly home, and found it 25 Minutes past Ten at Night when I entered my own House."

The following Monday found some of the participants in the Sabbath jubilation in court. Fines of 5s were imposed "for the Breach of the Law Entituled, An Act for the better Observation, and Keeping of the Lord's Day. They all appealed . . . John Netmaker was fin'd 5s for profane cursing; saying to Colson, the Constable's Assistant, God damn ye; because the said Colson refus'd to drink the Queen's Health." Netmaker was also charged with "Contempt of Her Majesties Government of the Province," and failing to acknowledge his error or to offer bond for his appearance at the next General Sessions, he was committed to jail. At this point, however, Massachusetts justice fell foul of other interests. The prisoner was the secretary of General Nicholson, who, the Governor urged, was entitled to ambassadorial privileges. On that basis the Governor pushed through the Council an order for Netmaker's immediate release, though one member voting in the negative remarked that "he understood not how it belong'd to the Council to meddle with it."

Profanation of the Sabbath was not the sole objection that men of the old type raised against celebrations like these, as may be seen for instance in Sewall's entry for the Queen's Birthday, 1707/8. "I could not find it in my Heart to go to the Town-House; because hardly anything is professedly there done but drinking Healths." Increase Mather has given an explanation of the Puritans' abhorrence of this custom. It is, he says, a remainder of heathenism; its originator was the Devil. It therefore must not be followed by Christians. Furthermore, as usually practised it is "against the Rules of Charity, Justice, and Reason" in that it "puts another upon Drinking such a quantity of strong Liquor, when perhaps he has enough and too much already." Health-drinking is "an unjust and Tyrannical Invasion on the Liberty which belongs

to every one both as a man and as a Christian when he is obliged to Drink more, than his present Appetite inclines him unto."

Roistering

Such sociable pastimes as card-playing and dicing also threatened to become popular, and Increase Mather saw the necessity of including them among the things to be placed on his index. One morning (June 21, 1699) a pack of cards proved its presence by appearing strewn over Sewall's front yard, "which, tis supposed," says Sewall, "some might throw there to mock me. . . ." Cotton Mather testifies to the continuance of such diversions in 1711. "I hear of some young Men in my Flock, who abandon themselves to the ruinous Courses of Gaming; and who especially betake themselves thereto, for the Quieting of their Minds, when they meet with any Thing in the public Sermons that proves troublesome to their Consciences."

Gambling also took a popular form in lotteries, becoming so frequent that in 1719 the General Court took action. "Whereas there have been lately set up within this Province certain mischievous and unlawful Games, called Lotteries, whereby the Children and Servants of several Gentlemen, Merchants and Traders, and other unwary People have been drawn into a vain and foolish Expense of Money; Which tends to the utter Ruin and Impoverishment of many Families, and is to the Reproach of this Government, and against the common Good, Trade, Welfare, and Peace of the Province"—so runs the preamble. Penalities provided were a fine of £200 for setting up a lottery and one of £10 for taking a chance in one.

The prevalence of such undesirable things was associated in many minds with the tavern, a social institution of enlarging importance, particularly in Boston. On this point Puritan logic kept to a remarkably straight path. Such places were intended for the care of travellers and strangers, and everything possible was done to restrict them to that service. Laws for that purpose carried on the policy from the earlier days well into the eighteenth century.

In 1692, for instance, it was enacted that ". . . no Taverner, Ale-House keeper or Victualler shall have or keep in or about

BOSTON, January 29, 1770.

Last Wednesday Evening there was a grand Rout and Card-party at the honorable Mr. Commissioner Burch's, in Milk Street, at which were present his Honor the Lieutenant Governor and Family; the honorable Charles Paxton, Esq; the honorable Mr. Commissioner Hulton and Lady; the honorable Mr. Flucker his Lady and family; Nathaniel Rogers, Samuel Waterhouse and John Erving, Esq'rs; with their Ladies; and many other Gentlemen and Ladies, to the Number 92.—The Night being very cold and stormy, prevented many others from being present that intended themselves that Pleasure. The Ceremonies of the Evening was conducted with great Ease and Politeness.

One Day last Week Messirs. James Hearsey and William Bradley, both of Abington, purchased a few Articles for their Families Use, of WILLIAM JACKSON, not knowing that he was an Importer: This being known at their Lodgings, the whole Company refused to have any Intercourse with them; and those of them who were to be their Fellow-Travellers the next Day, refused to keep Company with them on the Road, unless they returned the Goods.—This Resentment, together with their own Inclination, (for they would not have traded with Mr. Jackson, had they known he was an Importer) led them the next Morning to carry the Goods back to him, but they could not prevail upon him to take them, as they might possibly lie long on his Hands. The foregoing we were requested to publish by the above-mentioned Hearsy and Bradley.

A CARD.

CLERICUS RUSTICUS presents his Compliments to the C—r in C—f, and the Majority of his Privy C——rs, and desires to know their Opinion of the meeting of a Number of his Female Parishioners at a Spinning Match. If such Meeting be *illegal*, he will use all his Influence to prevent it, altho' it hurt his own Interest, the Fruits of their Industry being designed as a Free Gift to him; desiring to approve himself a Lover of the Laws and Constitution of his Country, as well as a Promoter of Industry, and Manufactures.——

Essex.

From an original in the Harvard College Library

The Boston Gazette ON SOCIETY AND POLITICS, 1770

Courtesy of The Wayside Inn

TAP ROOM, THE WAYSIDE INN, SOUTH SUDBURY

their Houses, Out-Houses, Yards, Backsides, Gardens, or Places to them belonging any Dice, Cards, Tables, Bowls, Shuffle-board, Billiards, Coyts, Cales, Logats, or any other Implements used in Gaming." In subsequent years legislation of increasing severity was passed in the attempt to check the tavern's popularity. What was doubtless a frequent aftermath of "excessive Drinking and Tipling" was provided against by a law of 1711 to the effect that "no persons either singly or together in Company shall presume to Sing, Dance, Fidle, Pipe, or use any Musical Instruments in any of the Streets, Lanes, or Alleys, within any Town in the Night Time; or make any Rout, or other Disturbance, to the disquiet and disrest of any of the Inhabitants."

More directly traceable to the change in government and to the appearance of new ideas and people thus involved was a growing custom of duelling. As early as 1687 Sewall recorded: "Two persons, one array'd in white, the other in red, goe through the Town with naked Swords advanced, with a Drum attending each of them and a Quarter Staff, and a great rout following as is usual. It seems 'Tis a chalenge to be fought at Capt. Wing's next Thorsday." Heavy fines against duellers were authorized by a law of 1719, but as it was not effective enough, more stringent measures were taken in 1728. At that time it was provided that the person found guilty should be "carried publickly in a Cart to the Gallows, with a Rope about his neck" and should sit there for one hour; in addition there was to be a jail sentence of one year, after which the offender should give security for good behavior for a like period. The law further declared that the body of one killed in a duel should not have Christian burial: it was to be buried without a coffin, with a stake driven through the body, at or near the usual place of execution, or else in the most public spot in the town.

Executions and Funerals

An interesting commentary on the Puritan frame of mind is that, while such seemingly moderate diversions as dancing or card playing were savagely discountenanced, the populace were allowed, well along into the eighteenth century, to in-

dulge themselves in the thrills of a public execution. The proceedings began with the special sermons for the benefit of the doomed criminal on the last Sunday and Lecture-Day before his death, and continued to the final scene on the scaffold. All were matters of widespread interest. John Dunton, writing of such an exhibition in 1686 said that, since there had not been such an affair for seven years, some had come fifty miles to see it. Increase Mather's sermon, he reports, was preached before five thousand people. "They went first to the New Church, but the Gallery crack'd, and so they were forced to remove to Mr. Willards . . . Some thousands followed to see the execution."

Sewall gives an account of a similar occasion in 1704. "After Dinner, about 3, p. m. I went to see the Execution . . . Many were the people that saw upon Broughton's Hill. But when I came to see how the River was cover'd with People, I was amazed; Some say there were 100 Boats. 150 Boats and Canoes, saith Cousin Moody of York . . . Mr. Cotton Mather came with Capt. Quelch and six other for Execution from the Prison to Scarlet's Wharf, and from thence in the Boat to the place of Execution about the midway between Hanson's point and Broughton's warehouse . . . When the Scaffold was let to sink, there was such a Screech of the Women that my wife heard it in our Entry next the Orchard, and was much surprised at it; yet the wind was sou-west. Our house is a full mile from the place."

Perhaps not fairly to be described as a diversion, yet apparently not regarded as a wholly unpleasant social duty, was attendance upon funerals. Doubtless this interest can in part be explained by the old Puritan preoccupation with death as the most important moment in a man's life, and by the survival of the frontier-day attitude when the difference between life and death was a matter of the utmost practical significance. Yet by the end of the seventeenth century the emphasis was somewhat changed. A social formula had come to surround the funeral and exercised a fascination of its own, even when at the same time the service itself remained totally devoid of any trace of what might be called a ritual. For instance, accoutrements were worn which, at the funeral of a person of great importance, served to mark the wearer as

one of the aristocracy; and which on humbler occasions conferred a passing though pleasing distinction. Such were the funeral ring, scarf, and gloves, all three of which, where wealth permitted, were given to the minister, pall-bearers, relatives, and at times, as Sewall's diary shows, to close family friends. Sewall always made a particular point of mentioning the instances when he received any of these ceremonial trappings. The diary suggests that it was more than a morbid interest that led him to make those notes and prompted him to mention the times when he had a position at or near the head of the procession following the corpse and the mourners to the grave.

With the passing of years, while the Puritan burial service was slowly accommodating itself to a prayer or a funeral sermon for its embellishment, the indulgence in these externals was growing to such a degree that in 1724 there came from the General Court the first of a series of laws curbing the extravagance. The year before, the funeral of Governor Burnet had been carried out on a most extravagant scale, and might well have given public opinion a shock, if it became necessary to go to such limits to make this occasion sufficiently vivid. The records of the General Court—for this was a public funeral—show elaborate arrangements prescribing with due regard for grades of social distinction the insignia of mourning for the Governor's family and servants and for all the worthies of the Province. The appropriation from the public treasury for these obsequies amounted to £1,097. 11. 3.

An interesting law regarding funerals was passed in 1727 as part of a campaign for stricter observance of the Sabbath. Funerals on the Lord's Day were forbidden because they caused violations of the day "by Servants and Children gathering in the Streets and Walking up and down, to and fro from the Funerals," and were the reason for "many disorders and Irregularities then committed."

Sports and Diversions

Perhaps the closest approximation to organised athletics known in eighteenth century Massachusetts was football. John Dunton describes a game which he saw in 1686. "The place

we went to was a Town call'd Rowley, where most of the Inhabitants had been Clothiers: But there was that Day a great Game of Foot-Ball to be play'd, which was the occasion of our going thither; There was another Town that play'd against them . . . they play'd with their bare feet, which I thought was very odd; but it was upon a broad Sandy Shoar, free from Stones, which made it more easy. Neither were they so apt to trip up one anothers heels and quarrel, as I have seen 'em in England." One learns from the statute book that then as now apparently a football was part of every normal boy's equipment. In 1715 it was enacted that because there had been many of late "so mischievous, more especially in the time of Publick rejoycings, as to break the Glass Windows of several Houses, and to commit divers Insolencies in one or more of the Towns," a fine of from 20s to £5 should be imposed for wilfully breaking windows "by throwing stones, Snow-Balls, kicking Foot-Balls, or any other ways."

Horse racing had been frowned upon in an earlier period as a "mispence of time" and a source of vicious gambling. Such an advertisement as the following indicates that former prejudices had weakened somewhat with the passing years. "A plate of Thirty Pound value to be Run for from Anatomy House to Cambridge on Thursday the 13th of September [1772] next at 3 a Clock in the Afternoon, by any Horse, Mare or Gelding, each carrying 10 Stone weight, allowing weight for Inches, and not above Six in number."

Diaries of the period are filled with references to hunting and fishing. The latter sport was the occasion of a pamphlet by Joseph Seccombe which should rank among the classics in the literature of angling. The title page reads: "Business and Diversion inoffensive to God and necessary for the comfort and support of human society. A Discourse utter'd in Part at Ammauskeeg-Falls, in the Fishing-Season, 1739." Citing the "sacred storey" of the "Lucky Draught of Fishes," his first conclusion is that "Fishing is innocent as Business or Diversion." It may be objected, he says, that fishing is inhumane and that a fisherman is considered "a filthy Wretch." "But here, in *Fishing,* we are so far from delighting to see our Fellow-Creature die, that we hardly think whether they live. . . . We have no more of a murderous Tho't in taking them,

than in cutting up a Mess of Herbage." God, furthermore, "has implanted in several Sorts of Fish a strong Instinct (or Inclination) to swim up these Rivers a vast Distance from the Sea. And is it not remarkable, that Rivers most incumbered with Falls, are ever more full of Fish than others . . . Does the forming and disposing of these Things argue nothing?" Fishing is equally valid as a diversion. "If we consider, that the End of Business and Diversion are the same, we shall clearly conceive the Truth. The End of both are the Refreshment and Support of Man in the Service of God. If I may eat them for Refreshment, I may as well catch them, if this recreate and refresh me. It's as lawful to delight the Eye, as the Palate."

There were many diversions which mirror for later days the spirit of the life of the time. Such, for instance, was "hauling the fox," described by Dr. Hamilton. "It is practised upon simple clowns. Near the town there is a pond of about half a quarter of a mile broad. Across this they lay a rope, and two or three strong fellows concealed in the bushes hold one end of it. To a stump in view there is tied a large fox. When they can lay hold of an ignorant clown, on the opposite side of the pond, they inveigle him by degrees into a scrape, two people pretending to wager,—one upon the fox's head, and the other upon the clown's—twenty shillings or some such matter, that the fox shall not or shall pull him thro' the water in spite of his teeth. The clown easily imagines himself stronger than the fox, and for a small reward allows the rope to be put round his waist, which done, the sturdy fellows on the other side, behind the bush, pull lustily for their friend the fox, who sits tied to his stump all the time of the operation,—being only a mere spectator,—and haul poor pilgarlick with great rapidity thro' the pond, while the water hisses and foams on each side or him as he ploughs the surface, and his coat is well wet."

Redolent of the rural life is the classic passage on husking parties in Barlow's poem *The Hasty Pudding.*

> The days grow short; but though the falling sun
> To the glad swain proclaims his day's work done,
> Night's pleasing shades his various tasks prolong,
> And yield new subjects to my various song.

For now, the corn-house fill'd, the harvest home,
The invited neighbors to the husking come;
A frolic scene, where work, and mirth, and play,
Unite their charms, to chase the hours away.

Where the huge heap lies centred in the hall,
The lamp suspended from the cheerful wall,
Brown corn-fed nymphs, and strong hard-handed beaux,
Alternate ranged, extend in circling rows,
Assume their seats, the solid mass attack;
The dry husks rustle, and the corn-cobs crack;
The song, the laugh, alternate notes resound,
And the sweet cider trips in silence round.

The laws of husking every wight can tell—
And sure no laws he ever keeps so well:
For each red ear a general kiss he gains,
With each smut ear he smuts the luckless swains;
But when to some sweet maid a prize is cast,
Red as her lips, and taper as her waist,
She walks the round, and culls one favored beau,
Who leaps, the luscious tribute to bestow.
Various the sport, as are the wits and brains
Of well-pleased lasses and contending swains;
Till the vast mound of corn is swept away,
And he that gets the last ear wins the day.

Equally characteristic is a later account of a spinning party given in the local newspaper of Falmouth, Maine, for May 1, 1788.

"On the 1st instant, assembled at the house of the Rev. Samuel Deane, of this town, more than one hundred of the fair sex . . . most of whom were skilled in the important art of spinning. An emulous industry was never more apparent than in this beautiful assembly. The majority of fair hands gave motion to not less than sixty wheels. Many were occupied in preparing the materials, besides those who attended to the entertainment of the rest . . . Near the close of the day, Mrs. Deane was presented by the company with two hundred and thirty-six seven knotted skeins of excellent cotton and linen yarn, the work of the day, excepting about a dozen skeins

which some of the company brought in ready spun. Some had spun six, and many not less than five skeins apiece . . . To conclude, and crown the day, a numerous band of the best singers attended in the evening, and performed an agreeable variety of excellent pieces in psalmody."

Stage-Plays, Shows

The theatre, condemned of old by Puritan codes, was slow in establishing itself in Massachusetts in the eighteenth century. The continued prejudice against plays and the modernity of the accessories are illustrated by a remark of Sewall's in 1714. "There is a Rumor, as if some design'd to have a play acted in the Council-Chamber, next Monday; which much surprises me; And as much as in me lyes, I do forbid it. The Romans were very fond of their Plays: but I never heard they were so far set upon them, as to turn their Senat-House into a Play-House . . . Let it not be abused with Dances, or other Scenical divertisements . . . Let not Christian Boston go beyond Heathen Rome in the practise of shameful Vanities."

Notwithstanding the ban on "Stage-Plays" which remained in force in the Province till the end of the eighteenth century, the youth of Harvard occasionally found opportunities to taste the pleasures elsewhere forbidden. The diary of Nathanael Ames records several such dramatic occasions between the years 1758 and 1765. Nor were the college authorities steadfastly opposed to it. There is indeed mention in the "Faculty Records" of a performance of "a Scene in Terrence" given at the request of the Committee of the Overseers, "but in private in the Library, none being present but the Committee, the President & Tutors." At the same time, for a student to be involved in any "Stage-Plays, Interludes or theatrical Entertainments, in the Town of Cambridge or elsewhere" was to expose him to heavy penalties.

The general public had to satisfy their craving for the theatrical in less dramatic forms. Among the substitutes were one-animal menageries which occasionally made a tour of the towns. On two occasions lions were thus exhibited; on another a "Fine Large White Bear" was offered in competition, "a Sight far preferable to the Lion in the Judgment of all

Persons who have see them." Salem once had an opportunity to pay twenty-five cents to see a "Sapient Dog" whose talents ranged from lighting lamps to discharging a loaded cannon.

For those possessed of more sophisticated tastes appropriate entertainments were provided. Benjamin Lynde, Jr., for instance, mentions (1732) a "Poppet show." Some years later (1764) John Rowe entered in his diary: "Went after dinner to see a show at the White Horse which was a very faint Representation of the City of Jerusalem, in short it is a great Imposition on the Publick."

Church of England in New England

With the establishment of the Episcopal Church in Boston in 1686 a new element of discord was introduced into Massachusetts society. From the time of the first clash between Randolph and the local clergy it became clear that the original gap between Puritans and Episcopacy was as wide as it had ever been, if indeed the long monopoly had not intensified that hatred. The Mathers, marshalling the Puritan forces, were bitter in their denunciations of the monster in their midst. Increase derided "those broken Responds and the shreds of Prayer which the Priests and People toss between them like Tennis Balls," and utterly condemned the use of the cross as "the greatest among all the Idols of Rome."

Cotton Mather in the Election Sermon of 1690, the year after the opening of King's Chapel, made little attempt to disguise the point of the following sentences. "Let all mankind know, that we came into the Wilderness because we would quietly worship God without that *Episcopacy,* that Common Prayer, and those unwarrantable *Ceremonies,* which the *Land of our Fathers' Sepulchres* has been defiled with . . . *Deliver thyself,* O New-England, *from every thing that may look like a Daughter of Babylon . . . Let us not so much as Touch the Unclean Thing, or hide so much as a Rag or Pin of a* Babylonish *Garment* with us."

Traditional doctrinal differences in a time when moderation in controversy was not considered a virtue will go far toward accounting for such language. But it is also undeniable that any attack against the Episcopal Church was regarded as a

blow against an enemy threatening Puritan political and social control. Certain customs, social and religious at the same time, were thought sure to come in on the wave of invasion, containing within them the seeds of corruption. The celebration of Christmas, according to Increase Mather, had neither scriptural nor historical warrant and as generally observed was "highly dishonorable to the name of Christ." What he was referring to was doubtless the kind of thing which prompted Cotton Mather to enter in his diary for December 30, 1711: "I hear of a Number of young People of both Sexes, belonging, many of them, to my Flock, who have had on the Christmas-night, this last Week, a Frolick, a revelling Feast, and Ball, which discovers their Corruption, and has a Tendency to corrupt them yett more, and provoke the Holy One to give them up to eternal Hardness of Heart." Sewall, too, reflects in his diary the anxiety with which Puritan Boston watched for any signs of a growing fondness for Christmas celebrations. Year after year, however, he was able to record, with a sigh of relief still almost audible as one turns the pages, that shops were open as usual and that carts were being driven into town as on any other day.

The Church of England brought with it many other newfangled things which it was thought wise to frown upon from the very first. What defense could there be for Shrove Tuesday and its accompaniment of buffoonery which to Mather smelled "both of Popish and Paganish superstition?" Yet as early as 1687 Sewall recorded (Tuesday, February 15), "Jos. Maylem carries a cock at his back, with a Bell in 's hand, in the Main Street; several follow him blindfold, and under pretense of striking him or 's cock." The traditional New England Fast Day, too, was threatened with superstitious appendages. "The Governour and Council" wrote Sewall, October 1, 1702, "agree that Thorsday October 22 be a Fast-Day. Governour moved that it might be Friday, saying, Let us be English-men. I spake against making any distinction in the Days of the week; Desired the same Day of the Week might be for Fasts and Thanksgiving." Bostonians were now being placed in their graves to the accompaniment of the Burial Office, "a Lying, very bad office," says Sewall; "makes no difference between the precious and the vile." Such services as were said

for Lady Andros were too distressing for Sewall even to stay and witness.

Who could tell what it might lead to if Boston got started going to church on St. Paul's Day or on what "in their language," as Sewall contemptuously remarks, was Ascension Day? In fact there was too much loose talk about saints; and Sewall felt it necessary to take up the matter with an offender in a position of influence. August 23, 1708 he wrote to Henry Flint: "According to the simplicity of the Gospel, the saying *Saint* Luke, and *Saint* James. &c has been disused in New England. And to take it up again, is distasteful to me; because it is a Change for the worse. I have heard it from several; but to hear it from the Senior Fellow of Harvard is more surprising; lest by his Example he should seem to countenance and authorise Inconvenient Innovations."

Further discussions with the Senior Fellow, Tutor Flint, in his time Speaker of the Provincial Assembly, ensued from this letter. "He argued that saying *Saint* Luke was an indifferent thing; and twas commonly used; and therefore he might use it . . . I argued that 'twas not Scriptural; that 'twas absurd to *Saint* Matthew &c and not to say *Saint* Moses, *Saint* Samuel, &c. And if we said *Saint* we must goe through, and keep Holy-days appointed for them, and turn to the Order in the Common-Prayer Book."

Challenge of the Older Generation

Such were the social problems and customs which marked Massachusetts life during the provincial period. What was the general character of that life as it appeared on the surface to some contemporary observers?

As the seventeenth century came to its close and the eighteenth started its course one could have heard loud cries of distress in certain influential quarters. Clearly something was wrong. For instance, Joshua Scottow uttered a clarion call, *Old Men's Tears for their own Declensions, mixed with Fears of their and Posterities further falling off from New-England's Primitive Constitution.* "What is become of the Primitive Zeal, Piety and Holy Heat found in the Hearts of our Parents . . . Is not their Love to God and his Ordinances, per-

verted in us, to slighting and neglecting not only of Instituted but of his Natural Worship, . . . their Souls Lively Thirstings and Pantings after God and his Ways, metamorphosed into Land and Trade-Breathings . . . so as now we may and must say *New-England* is not to be found in *New-England* nor *Boston* in *Boston;* it is become a lost town."

This was at the same time a lament and challenge of the new order by the old, and many echoes of it were heard from other lips. Cotton Mather was spurring on his flock to repentance for their "offensive evils," including the "unrighteous Discouragements" which they inflicted upon the magistrates and ministers in their attempts to serve the public. Fasts were being held for the youth, "a carnal, giddy, rising generation" as Mather characterised them. The clergy were besieging the General Court with petitions for legislation which would check the growing degeneration of society. They even went so far in 1725 as to ask authorization for the long unused device of a Synod which should consider "what are the miscarriages whereof we have reason to think the judgments of heaven, upon us, call us to be more generally sensible, and what may be the most evangelical and effectual expedients to put a stop to these or the like miscarriages." The spirit which prompted that extreme measure could not be extinguished by a mere rebuff from England.

Conclusion

In other chapters of this volume various social phenomena of the half century before the Revolution are reviewed in town and country. Standing at the threshold of the Revolutionary period, and surveying the course which society had taken during the preceding decades, the direful prophecies made by the older generation of 1700 can be reviewed. Observing the sturdy vitality of that later day, the fears and predictions of those earlier men lose reality.

From the preceding discussion it is clear that the people of the early eighteenth century had already in large measure scrapped the moral code to which Winthrop's generation clung so tenaciously; and their successors later in the century certainly did not attempt to revive it. The fetters on social

life which were permanently discarded were due to a conception of God which had been outgrown. Life took on new forms and new colors. Men dared flatly to deny the existence of a Mosaic deity. Life was easier. The neck and neck race with starvation was now a thing of the past. Material comfort was vastly greater. It was a kinder, more sympathetic God that the eighteenth century had built up for itself, and it followed that He was a more lenient God.

Nor were material possessions the only thing that had been acquired. Through them and through political changes as well human contacts had widened their scope. New and more mature currents found their way into the main stream. By comparison, the simplicity of the old system seemed sterile, and the bulk of the people naturally, though doubtless in large measure unconsciously, turned to what they felt was more vital.

The Mathers' cause had come to be regarded as based on insincerity. Those Jeremiahs in their life time were treated as defenders of a vested interest, to whom questions of public welfare were secondary in importance. There was little in the way of pitched battles on social observances. Petty scuffles there had been all along the line; but on the whole the change had come gradually, following laws of its own. Province life became richer and more varied, more secular in tone. At the same time it acquired a new vitality; and later events were to show that its spiritual qualities had not evaporated or been crushed.

SELECT BIBLIOGRAPHY

ADAMS, JAMES TRUSLOW.—*Provincial Society, 1690-1763* (New York, Macmillan, 1927)—A good survey of society in all its aspects.

BENTON, JOSIAH HENRY.—*Warning Out in New England* (Boston, Clarke, 1911)—Discusses an interesting phase of Massachusetts's treatment of the problem of the poor.

BURNABY, ANDREW.—*Travels through the Middle Settlements in North America* (London, T. Payne, 1775)—Gives summary picture of Massachusetts in 1759-1760.

CUMMINGS, JOHN.—*Poor-Laws of Massachusetts and New York* (Amer. Economic Association, *Publications,* Vol. X, No. 4, N. Y., 1895)—Includes a discussion of the laws of the colonial period.

DUNTON, JOHN.—*John Dunton's Letters from New England* (Boston, Prince Society, 1867)—Edited by W. H. Whitmore. Entertaining, if not always reliable.

EARLE, ALICE MORSE.—*Customs and Fashions in Old New England* (New York, Scribner's, 1894)—A very readable survey; but no references to the material used.

FORD, HENRY JONES.—*The Scotch Irish in America* (Princeton Univ. Press, 1915).

FOSDICK, LUCIAN J.—*The French Blood in America* (New York, Revell, 1906)—Includes an adequate account of the Huguenots in Massachusetts.

HAMILTON, ALEXANDER.—*Hamilton's Itinerarium* (Privately printed, St. Louis 1907)—Edited by Albert Bushnell Hart. A vivid picture of New England in 1744 as seen by Dr. Hamilton in Massachusetts and New Hampshire.

HART, ALBERT BUSHNELL, editor.—*American History Told by Contemporaries,* (N. Y., Macmillan, 1897-1901)—Vol. II, contains classified extracts from the source materials.

HARVARD COLLEGE.—*Corporation Records, 1636-1750* (Colonial Society of Mass., *Publications,* Vols. XV-XVI, Boston, 1925)—Invaluable records of the earliest American College.

HUTCHINSON, THOMAS.—*History of the Province of Massachusetts Bay from 1691. Until 1750* (Boston, Thomas and John Fleet, 1767)—The best contemporary account of the provincial period.

HUTCHINSON, THOMAS.—*History of the Province of Massachusetts Bay from 1749 to 1774* (London, John Murray, 1828)—Published posthumously.

KITTREDGE, GEORGE LYMAN.—*The Old Farmer and His Almanack* (Cambridge, 1920)—Abounds in valuable material on social life.

KNIGHT, MRS. SARAH (KEMBLE).—*The Journal of Madam Knight* (Boston, Small, Maynard, 1920)—Edited by Geo. P. W. Winship. One of the earliest and most delightful pieces of travel literature.

LAUBER, ALMON WHEELER.—*Indian Slavery in Colonial Times within the Present Limits of the United States* (Columbia Univ. Studies in History, Economics, and Public Law, Vol. LIV, No. 3, N. Y., 1913).

LOVE, WILLIAM DE LOSS.—*The Fast and Thanksgiving Days of New England* (Boston, Houghton, Mifflin, 1895)—An admirable extended discussion.

LOVE, WILLIAM DE LOSS.—*Samson Occom and the Christian Indians of New England* (Boston, Pilgrim Press, 1900)—An excellent account of missionary activities among the Indians in the eighteenth century.

MCDOUGALL, MRS. MARION GLEASON.—*Fugitive Slaves, 1619-1865* (Boston, Ginn, 1891)—Includes instances in Colonial Massachusetts.

MASSACHUSETTS (Commonwealth).—*Acts and Laws of His Majesty's Province of the Massachusetts-Bay in New-England* (Boston, various dates of publication)—Fundamental basis of knowledge on many subjects.

MASSACHUSETTS (Commonwealth).—*Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay* (21 vols., Boston, 1869-1922).

MASSACHUSETTS (Commonwealth): PROVINCIAL CONGRESS.—*Journals of each Provincial Congress of Massachusetts in 1774 and 1775, and of the Committee of Safety, with an Appendix containing the Proceedings of the County Conferences, and Other Documents* (Boston, 1838). Essential for the period.

MASSACHUSETTS HISTORICAL SOCIETY, *Collections.*—Contain original material on every phase of Massachusetts life.

MASSACHUSETTS HISTORICAL SOCIETY, *Proceedings.*—Published annually—An inexhaustible mine of material.

MATHER, COTTON.—*Diary,* (Mass. Historical Society, *Collections,* Seventh Series, Vols. VII-VIII Boston, 1911-12)—A perfect self-revelation of a commanding figure in Massachusetts life. Source for many extracts printed in the *Commonwealth History.*

MOORE, GEORGE H.—*Notes on the History of Slavery in Massachusetts* (New York, 1866)—Remarkably frank, in view of the date of its publication.

PERRY, WILLIAM STEVENS.—*History of the American Episcopal Church,* 1587-1883 (2 vols., Boston, Osgood, 1885)—Gives an excellent account of the struggles of the Episcopal Church in Massachusetts.

PROPER, EMBERSON EDWARD.—*Colonial Immigration Laws* (Columbia Univ. Studies in History, Economics, and Public Law, Vol. XII, No. 2, N. Y. 1900)—Authority in its field.

QUINCY, JOSIAH.—*History of Harvard University* (2 vols., Cambridge, Owen, 1840)—The most elaborate history of the College, up to 1828.

ROWE, JOHN.—*Letters and Diary of John Rowe, Boston Merchant, 1759-1762, 1764-1779* (Boston, Clarke, 1903)—A vivid picture of Boston and to a lesser extent of Massachusetts as a whole in the third quarter of the eighteenth century.

SALMON, LUCY MAYNARD.—*Domestic Service* (N. Y., Macmillan, 1901)—Has good material on the indentured servant.

SCHOFF, WILFRED H.—*The Descendants of Jacob Schoff, who came to Boston in 1752* (Phila., McGarrigle, 1910)—An admirable account of Massachusetts's experience with German immigration.

SEWALL, SAMUEL.—*Diary* (Mass. Historical Society, *Collections,* Fifth Series, Vols. V-VII, Boston, 1878-1882)—The classic for the period which it covers.

SEWALL, SAMUEL.—*Letter-Book* (Mass. Historical Society, *Collections,* Sixth Series, Vols. I-II, Boston, 1886-1888)—Further valuable views of this remarkable man.

CHAPTER X

MASSACHUSETTS LITERATURE IN THE EIGHTEENTH CENTURY

By Frederic J. Stimson
Ex-Embassador to Argentina

The Literary Spirit

Matthew Arnold's famous epigram on the Puritans may apply to what we call their *Belles Lettres,* but not to their more serious writing. Jonathan Edwards is as much literature as Pascal; and the Massachusetts Puritans certainly turned no key on their civic spirit. New Haven is sterner; but it remained for the so-called godless royal colony of New Hampshire (as one might guess) to produce the first story written definitely to amuse. The first adventurers were Elizabethan Englishmen and for the most part not even Puritans. As they died off, their tales of exploration and early New England history came to an end. No one remained in the Bay colony to essay literature for literature's sake. And even religious writing lost the first fervor of the Puritans and became formal, coldly argumentative and narrow.

For although Increase Mather in 1702 wrote his *Ichabod; or, a Discourse Showing What Cause there is to Fear that the Glory of the Lord is Departing from New England;* and in 1714, his *Plain Discourse Showing Who Shall and Who Shall Not Enter Heaven;* the victory on the whole remained with the orthodox party. Their church was the established religion of the Commonwealth. Theological writing went on. Most publications were of sermons; even that form of printed expression gradually languished. For a conservative triumph tends always to narrowness, to stricter and straiter limits, until the human spirit languishes within its shell. Hence a dearth of all writing. Barrett Wendell says we had no litera-

ture in the seventeenth century; certain it is that more books of a literary nature were published in Massachusetts between 1650 and 1700 than between 1700 and 1750.

Then, in the dying out of the great religious revival, the revival of mundane interest began, and with it a renascence of literary interest, and far more of political interest—under the stimulus of the coming Revolution. It is only after that event that people began to think of writing to amuse us. Royall Tyler of New Hampshire was perhaps the first writer of light literature. Charles Brockden Brown of Philadelphia came second. Both published at the very end of the eighteenth century.

Whitcomb's *Outlines* mentions about one hundred books written by Massachusetts men in the eighteenth century. Of these, hardly forty could under any classification be called literature. There were no essays, no drama; no long poems, save one on the siege of Louisbourg, and various elegies on Hanoverian monarchs. No novel, till the century's end; no popular verse, except such effusions as the Ballad of Pigwacket, until, in 1782, John Trumbull published his famous "epic"—*McFingal.*

Diaries

Thus it happened that for the literary life of the Massachusetts people, outside theology and religious concerns, we have to rely very largely on diaries. Fortunately we are well provided with these. J. Winthrop lived from 1587 to 1649; Endicott from 1589 to 1665; Cotton Mather wrote from 1660 to 1721; Sewall from 1673 to 1729; Nathaniel Ames (the younger) from 1756 to 1821; and although the latter's writings are still mainly unpublished, the interest in comparing his work with that of those more highly placed will justify departure from the usual rule of noting only published writings. For, though our historical societies have cabinets crammed with unpublished diaries and letters of the highest interest, nothing modern can properly be considered literature until printed. Harriet M. Forbes' catalogue of New England diaries from 1602 to 1800 fills 413 pages and enumerates more than a thousand manuscripts or publications.

Diaries may certainly be considered literature. Witness

KEEP thy heart with all diligence, for out of it are the iſſues of life.

LIARS ſhall have their part in the lake which burns with fire and brimſtone.

MANY are the afflictions of the righteous, but the LORD delivereth them out of them all.

NOW is the accepted time, now is the day of ſalvation.

OUT of the abundance of the heart the mouth ſpeaketh.

PRAY to thy Father which is in ſecret; and thy Father which ſees in ſecret ſhall reward thee openly.

QUIT you like men, be ſtrong, ſtand faſt in the faith.

REMEMBER thy Creator in the days of thy youth.

SEeſt thou a man wiſe in his own conceit, there is more hope of a fool than of him.

TRUST in God at all times, ye people, pour out your hearts before him.

UPON the wicked, God ſhall rain an horrible tempeſt.

WO to the wicked, it ſhall be ill with him, for the reward of his hands ſhall be given him.

From the Harvard College Library

A PAGE OF MORAL ADVICE FROM
The New England Primer

the English Pepys; yet of the five diaries above mentioned, only Cotton Mather really deserves to be accounted literature. And he was too persistently *introvert*—too solely concerned with the state of his own soul—to make his dour record a part of world literature; though some of his later writings, notably the *Magnalia,* are unquestionably literature. A slice of some of the five *Tranches de la vie*—and we shall get a better notion of Massachusetts life. After all is not that the aim of all literature, even poetry,—which Matthew Arnold called a criticism of life? Better read diaries than sermons, elegiac poems, or some of the many chronicles of captivity among the Indians.

Let us take a sample from each of our main diarists to see what the writers were like. Endicott, Winthrop chronicled facts; they were pragmatical; so did Dr. Ames, but with many lively comments, criticisms, expressions of opinion, often sarcastic; Mather is the only colonial contemporary of Pepys who can be compared with him; though far too much space seems to us to be given to the matters of his soul—which was not Pepys' chief concern.

Cotton Mather the Diarist

Barrett Wendell's *Cotton Mather—the Puritan Priest* will remain a classic, and to it we advise all readers to go for an understanding of his character and environment. Let us take one of the few lighter episodes—namely, his courtship of a lady whom he never names—to show his style. It is in February, 1703: "One Day, considering how frequently and foolishly Widowers miscarry, and by their Miscarriage dishonour God, I earnestly with Tears besought the Lord, *that he would please to favour me, so far as to kill me, rather than to leave me into anything that* might bring any remarkable Dishonour unto His Holy Name." [Note the "His."] "Within a few Minutes, I found myself grow very ill;—I suspected that the Lord was going to take me at my own Word. But now I perceived it was nothing but vapours."

February [1702] begins with a very astonishing Trial. "There is a young Gentlewoman of incomparable Accomplishments. No Gentlewoman in the English *America* has had a

more polite Education. She is one of rare Witt and Sense; and of a comely Aspect . . . [she] first Addresses me with diverse Letters, and now makes me a Visit at my House Whereby she gives me to understand . . . that since my present Condition has given her more of Liberty to think of me, she must confess herself charmed with my Person, to such a Degree, that she could not but break in upon me, with most importunate Requests, that I would make her mine; and that the highest Consideration she had in it, was her ternal Salvation, for if she were mine, she could not but hope the Effect of it would be, that she should also be Christ's. . . ."

"I was in a great Strait, how to treat so polite a Gentlewoman, thus applying herself unto me. I plainly told her, that . . . if I could not make her my own, I should be glad of being in any way Instrumental to make her the Lord's. . . . With as exquisite Artifice as I could use, I made my Essayes to engage her young Soul into Piety.

"She is not much more than twenty years old. I know she has been a very aiery Person. Her Reputation has been under some Disadvantage."

"12d 12m [February 1702]. Being this Day forty Years old . . . My sore Distresses and Temptations I carried unto the Lord. . . . The cheef of them lies in this. The well accomplished Gentlewoman, mentioned, (tho not by Name) . . . Nature itself causes in me a mighty Tenderness and Respect for a person so very amiable. Breeding requires me to treat her with Honour and Respect . . . But Religion, above all, obliges me, instead of a rash rejecting her Conversation, to contrive rather, how I may imitate the Goodness of the Lord Jesus Christ in His Dealing with such as are upon a Conversion unto Him. For the other Side, I cannot but fear a fearful Snare, and that I may soon fall into some Error in my Conversation, if the Point proposed unto me be found, after all, unattaineable. . . .

"18 day, 12 m Thursday. Yett such was my flexible Tenderness as to be conquered by the Importunities of several, to allow some further Interviewes. But I resolved that I would make them turn chiefly upon the most glorious Design in the World. I did accordingly . . . with all the Charms I could imagine draw that witty Gentlewoman unto tearful Expres-

sions of her Consent, unto all the Articles in the Covenant of Grace. . . ."

"March 6th. I am a most miserable Man. That young Gentlewoman of so fine Accomplishments . . . hath by the Disadvantages of the Company which has continually resorted to her unhappy Father's House, gott but a bad Name—by an unhappy Coincidence . . . there is a Noise, and a mighty Noise it is, made about the Town, that I am engaged in a Courtship. . .

"The Design of Satan . . . has raised a horrid Storm of Reproache upon me, both for my Earliness in courting a Gentlewoman, and especially . . . of a Person so disagreeable to my Character . . .

"12 d. . . . And now, a strange Thing is this Day come to pass . . . The House of Assembly . . . and as full a House as has been ordinarily known, unanimously, every Man of them, voted the most unworthy Man in the World to be President of the Colledge in Cambridge."—This is probably John Leverett, who did not take office until 1707; but Mather was again disappointed in 1723—"Our miserable Colledge do again treat me (upon a fresh opportunity) with their accustomed Indignity and Malignity." The trouble was that Benjamin Colman had been chosen president. This savage entry is preceded by the usual "G. D." which Mather prefixes to his good resolutions.

"15 d. And now, being after all due Deliberation, fully satisfied, that my countenancing the Proposals of coming one Day into Marriage with the Gentlewoman so often mentioned—will not be consistent with my public Serviceableness; but that the Prejudices in the Minds of the People of God against it are insuperable . . . I sett myself to make unto the L. Jesus Christ a Sacrifice of a Person who for many charming Accomplishments has not many æquals in the *English* America . . . My Victory over Flesh and Blood in this matter was no unhappy Symptom,I hope, of Regeneration in my Soul . . . Hopes that God would carry me well through my Sacrifice, in preserving the Person addressing me from any Damage by her Fondness for me . . . I struck my Knife into the Heart of my Sacrifice by a letter to her Mother."

"April 3d. . . . The Applications, which the Gentlewoman

formerly mentioned in these Papers, has made unto me, have occasioned very many Misrepresentations of me among a foolish People. The coarse, though just, Usage that she has had from me will also putt her upon a thousand Inventions. I shall be continually every Week persecuted with some Noise and Nonsense carried about the Town concerning me. All the Friends I have in the World persuade me, that I shall have no Way to get from under these Confusions but by proceeding unto another Marriage. Lord, help me, WHAT SHALL I do? I am a miserable man."

However, only two months later—"God is going to build up my Family . . . He showes me a Gentlewoman within two Houses of my own; of Piety and Probity, and a most unspotted Reputation; of good Witt, and Sense, and Discretion at ordering an Household, of incomparable Sweetness in her Temper, honorably descended and related; and a very comely person—left a Widow at thirty"; . . . and, on July 14th, he makes "my first visit," and on the 10th of August, marries her. But twelve years later he makes a third marriage, not so fortunate. "After a thousand unrepeatable invectives, compelling me to rise at Midnight . . . she also got up in an horrid Rage, protesting that she would never live or stay with me and . . . went over to a Neighbour's House for a Lodging,—Doubtless with numberless Lies, which a Tongue sett on fire of Hell would make no conscience of."

Cotton Mather the Author

Cotton Mather printed more matter than any American writer before or since; yet his *magnum opus,* in his own estimation, the *Biblia Americana,* despite all his prayers, still remains unpublished. In 1706 he had a "smile from Heaven" in the shape of a "very likely Slave, presented by . . . Some Gentlemen of our Church, a Negro of a promising Aspect and Temper." In 1711 he resolves to "improve the Time . . . to form some Thoughts of Piety which may be of some abasing Tendency: the Actions themselves carry Humiliations in them. By loathing of himself continually . . . a Christian does what is very pleasing to Heaven." In 1711 he has "some epistolar conversation with Mr. DeFoe" and wants the author

of Robinson Crusoe to write "an History of the Persecutions which the Dissenters have undergone from the Church of England!" The same year he records:

"There is an horrid and very wicked Blade, a Finished Rake, who . . . has treated me with all the Malignities and Indignities that Hell could inspire . . . I have begg'd of my glorious Lord that He would pity and pardon this poor Man . . . Last night, I understand, that God had broken the Arm of the wicked Wretch." Yet we must do Mather justice: far more numerous are the entries of some service or charity given a neighbor, be he friend or enemy. And he was surely attractive; for his second wife dying in November (1713) and he praying (Dec. 20th) that "the Lord will call me to spend the little Remainder of my Dayes in the single state," he adds: "Even the last Night, I have a foolish message from a Gentlewoman bro't unto me . . . I must watch against all internal Temptations of such a Tendency."

Nevertheless as we have seen, he watched in vain. In March, 1714, we find him courting Mrs. Lydia George. Witness his letter to that lady: "My . . . [Inexpressible] I am afraid you been't well, because my Head has aked pretty much this afternoon.

"The pain of my Heart, will be much greater than that of my Head, if it be really so. But I imagine, you are growing well, because my Headake is going off. . . .

"One who Loves you Inexpressibly (and *placilla* most affectionately . . .)."

His mind is now "buffeted with terrible temptations to the Pauline heresy." But he never softened to Arminian or Arian, more than to the Salem witches, at whose execution he attended, though he objected to their being convicted on "spectral Representation."

In 1716, Mather tumbled out of a canoe into a Cambridge pond, and "must have been drowned, had the Vessel been further from the Shore." It is a safe inference that this man of vast experience could not swim. In 1716 (after the Scotch-Irish immigration) he had an angry correspondence with the church of Scotland, which refused to hold Communion with the Massachusetts church. In 1718 he writes about "the Day of senseless Diversions which they call, the *Com-*

mencement at Cambridge." In 1721 he sees "a wonderful Token for good" in that "God has, in a marvellous Manner, and at a very critical Moment, smitten with an Apoplexy one who has been and would still have been the greatest Hinderer of good, and Misleader and Enchanter of the People." This alleged miscreant was the Rev. Dr. Oliver Noyes. Yet Mather grows broader, even kindlier, with age; in 1721 he introduces inoculation against the smallpox; and in 1723 is elected into the Royal Society, while at home he almost incurred martyrdom for his modernity. In 1724, he has "a strong apprehension that France is very near a mighty and wondrous Revolution"—but this only refers to the persecution of the Huguenots, for he publishes (at his own expense) an essay, *Une Grande Voix du Ciel à la France,* and applies himself to "Methods of getting it conveyed into France."

We have seen this extraordinary man as he writes in English, French, Spanish, Latin, and (when describing the conduct of his third wife) in Greek. He confesses to the publication of more than 330 books. Yet a re-reading of his marvellous diary—reflecting, however subjectively, the events and people of his time—shows him full of prejudice and embittered, now against Arminianism, then against the Church of England, whose missionaries he terms "ignorant, debauched creatures." He sighs to think the " 'Man of Sins' M. CC. LX years are up, and then, I am sure, High Church must go down apace—" All this convinces us that, a far greater work than the *Magnalia,* this Diary may well be placed side by side with that of Pepys.

Samuel Sewall The Diarist

If Mather was a priest, Judge Sewall was a man of the world. Yet the man of the world was sure of Salem witches' guilt when even Cotton Mather had his doubts. Though they wrote contemporaneously, one feels that Sewall belonged to a later century. Let us compare their style in relating their courtships:

"Sept. 30. [1720] Daughter Sewall acquaints Madam Winthrop that if she be pleased to be in at 3 p.m. I would wait on her. She answered she would be at home—Spake to

her, saying my loving wife died so soon and so suddenly, 'twas hardly convenient for me to think of marrying again; however I came to this Resolution, that I would not make court to any person without first Consulting with her. Had a pleasant discourse, about 7 (seven) Single persons sitting in the Foreseat, 7th, 29th, viz.— — — "She propounded one and another for me; but none would do, said Mrs. Loyd was about her Age."

"Oct. 3. Waited on Madam W. again—'twas a little while before she came in—By and by came in Mr. Airs, Chaplain of the Castle, and hanged up his hat, which I was a little startled at, it seeming as if he was to lodge there. At last Mad^{m} W. came in too." His addresses were refused, but, nothing daunted, he made a date for "this day sennight"—when, "Gave her Mr. Willard's Fountain Opened, with the little print and verses; saying, I hop'd if we did well read that book, we should meet together hereafter if we did not now," But there was nothing doing; and he returned in four days "to refresh her Memory as to Monday night; said she had not forgot it."

"Monday. Am treated with great courtesy. Wine, Marmalades." The next day he wishes to make a date for 8 p.m. tomorrow. She "looked dark and lowering. Ask'd her to requit me of Rudeness if I drew off her glove. Enquiring the reason, I told her 'twas great odds between handling a dead Goat, and a living Lady. Got it off."

"She—could not leave her house, children—I told her she might do some Good to help and support me. Mentioning Mrs. Gookin, the widow Weld was again spoken of; (she) said I had visited Mrs. Denison. I said, if after a first and second Vagary, she would accept of me returning." Elsewhere he records: "My bowels yern towards Mrs. Denison—she would be very obliging. Told her the reason I came every other *night* was lest I should drink too deep draughts of Pleasure; she had talked to me of Canary, her kisses were to me better than the best Canary."

"Oct.17. Visited Mad^{m} W. in the evening, who treated me courteously, but not in Clean Linen as sometimes"—

Oct. 19th., he sees her home from Mrs. Walley's; she "took

occasion to speak pretty earnestly about my keeping a coach; I said 'twould cost £100 per an.; she said, but £40."

"Oct. 21. I ask'd when our proceedings should be made more publick; she said, they were like to be no more publick than they were already" and would not "send Juno to light him home." "I was weary and went to bed."

She wanted him [Nov. 4] "to wear a Wigg." And on Nov. 7th, "I excused my coming so late (near 8). She set me an arm'd chair and Cusheon; and so the Cradle with little Katie was between her arm'd Chair and mine—she gave me a glass of Wine. I think I repeated again that—I would endeavour to contain myself and not go on to solicit her,—took leave of her—did not bid her draw off her Glove—her dress was not so clean as sometimes it had been. Jehovah jireh!"

So, July 15 [1721] "Call and sit awhile with Mad. Ruggles—shew'd my Willingness to renew my old acquaintance. She expressed her inability to be Serviceable. Gave me some Cider to drink. I came home."

But Jan. 11, 1722 he writes a letter to "Mary Gibbs, Widow, at Newtown: "Madam, your removal out of Town, and the Severity of the Weather, are the reason of my making you this Epistolary Visit—Whether you be willing that I should marry you now—Aged, and feeble, and exhausted as I am." He was 70. And so, after some delays about money settlements, they were "published" Feb. 16th. 1722.

It is due to the memory of Madam Winthrop to add that a few years since the late Robert C. Winthrop published an amusing refutation of Judge Sewall's account of the courtship of his ancestress, which was privately printed and is now unprocurable.

Samuel Sewall The Poet

Sewall alone among the Puritans was an observer of nature. He always tells you when "Swallows proclaim the Spring." And he had some poetry in him, and much charity.

"Once more our God vouchsafe to shine
Correct the Coldness of our Clime"—

* * * *

"Give the poor Indians Eyes to see
The Light of Life—
So Asia and Africa
Europa with America
All four, in Consort joined shall Sing
New Songs of Praise to Christ our King."

His poem on Mrs. Conry's funeral contains a rare couplet—

"Three Sons, two Johns, and one good Tom
Bore Prudent Mary to her Tomb."

Like Cotton Mather, like Endicott, who hacked St. George's Cross out of the flag, he was intolerant; he writes of the famous silver cross at Louisburg fort.—As a matter of fact, it was looted there, and became the property of Harvard College, only to be clandestinely acquired by a riotous student society a century and a half later, and afterwards restored.

Here is another example of his rugged verse:

"The bawdy, bloudy Cross, at length
Was forced to taste the flame;
The cheating Saviour, to the fire
Savoury food became."

or, in his more decorous Latin,

"Crux atrox tandem flammam sentire jubetur;
Ipsa Salus fallax igne probata perit."

"Jan. 2, 1701-2. Just about Break-of-Day Jacob Amsden and 3 other Trumpeters gave a Blast on the Common—Bellman said these verses, which I printed and gave them. . . ." The pretty custom still prevails annually in Boston at the break of the New Year.

"Oct. 23. Mr. Increase Mather said at Mr. Wilkin's, If I am a servant of J. C. some great Judgment will fall on Captain Sewall." He was Captain of the Ancient and Honourable Artillery Company and then weighed 178 pounds. Twenty years later when courting Madam Winthrop, he weighed 228.

"I feel myself dull and heavy and listless as to Spiritual Good; carnal, Lifeless; I sighed to God that He would quicken me." [The next day.] "My House was broken into and Twenty Pounds worth of Plate stolen. I said, is not this an Answer of Prayer?"

He tells of the Pirates captured and hanged at Eastern

Point by Major Sewall "landing in a Gally and shallop"; but next day records that "The Singing of Birds is come."

A bill is brought in making marriage or fornication criminal between whites and negroes or Indians. Owing to his efforts, the Indians were left out.

In 1716, "The L^{t}. Govr comes to my house in the morn and shows me the accusation of Sir Alex Brand against Mr. Agent Dummer—he had made the Knight drunk and picked his pocket of 26 guineas and brought in two Lewd Women into the Cross Keys &c. I presently thought on the Soldiers set to guard our Saviour's Tomb their tale; and said if Sir Alexander were drunk, how could he tell who picked his pocket?

"May 13th. In the Evening I had an Inkling that two Merchants came from Ipswich" [on Sunday, when to travel was criminal] "I said, how shall I do to avoid fining them? Admonish them as young and strangers and let them go." It turned out that they were "some sib to his wife!"

"1716, Oct. 16, [calling in Roxbury.] Madam Dudley had given me beer as I chose; G. Dudley would have me divide a Glass of very good Wine; and made a Faint [feint] of having the horses put in to draw me, but withal said how many hundred times he had walked over the Neck. I told him I should have a pleasant journey; and so it prov'd, for coming over with Mrs. Pierpoint, whose maiden name was Gore, had diverting discourse all the way—'Twas quite night before we got to our House." Yet he eschewed frivolity; the next month there was a "Ball designed at Euston's in the evening, prayed to prevent the Govr. being there." Mather records that they heard the horrid "Noise" of the music all night.

"1717, Apr. 29. Pirate Captain Bellamy of the *Whishaw* wrecked at Wellfleet, 23 guns and 133 men. Only one Englishman and an Indian saved—100 bodies on shore." On April 11th, Good Friday, he gives a dinner "unawares. Was far from any design to affront the Church." It will be remembered Mather about this time turned his apprehensions from the Arminians to the Church of England.

In 1719 he finishes a poem on the Merrimack river and presents the Governor with "a gold ring of 4 2 gr. cost 4s. making, with this Poesy, 'Post Matrem diligo Natam.' [After the mother I favor the daughter] meaning that his Ex^{s} would

not favour New England but in subordination to the Crown." That same year he chronicled "The Frier Ralle's railing letter to Captain Moody" and, with gusto, the massacre of that priest and his mission on the Kennebec.

"Jan. 21. The Wind blew down the Southernmost of my Cherubim's Heads at the Street Gate." They have never been recovered. By this time, he was growing liberal—a point never reached by Cotton Mather.

"1720, May 3. Dr Mather sends me Mr. Daniel Neal's History of New England. It grieves me to see N. E's Nakedness laid open in the business of the Quakers, Anabaptists, Witchcraft—" and he records earlier his famous confession. Yet in 1722 he objects to adjourning the court for Christmas, to Governor Dudley—"His Excellency said, All keep Christmas but we; I suggested King James I—how he boasted what a pure church he had; and they did not keep Yule nor Pasch. The Govr said, they adjourned for Commencement and Artillery. But then 'tis by agreement—I said, the Dissenters came a great way for their Liberties, and now the Church had theirs, yet they could not be contented except they might Tread all others down. Govr said he was of Ch. of Eng." But (Dec. 25) "Shops open and sleds come to town as aforetimes."

"1724. Dec. 26. Lord's Super. Deacon Checkley Deliver'd the Cup first to Madam Winthrop and then gave me a Tankard. 'Twas humiliation to me." Yet (April 21) "The swallows unanimously and cheerfully proclaim the Spring." There we may leave him. He died in 1729.

Nathaniel Ames, Diarist

Coming now to Ames, we find full modernity. Theological doubts had quite ceased to vex his soul. Of course he was of somewhat lower social standing; he kept an inn in Dedham (yet that remained quite an aristocratic occupation for the local squire down till the nineteenth century)—but he went to Harvard College, was a doctor, and wrote the famous almanacs.

"1759. Dec. 2. Miss Prentice brought to bed of a boy.

"Jan. 1. Ticonderoga and Crown Point taken.

" " 14, 15. A lazy life. [He was at Harvard.]

"March 18. Agreed about the ladies.

"Sept. 6. Wolfe by name behaves almost as if he were one by nature. But Amherst goes slow and sure. News that 30 of the King of Prussia's guards were taken and he escaped very narrowly, being on a good horse.

"Jan. 13 [1760] Acted Tancred and Sigismund for which we are like to be prosecuted.

"Feb. 23. Made Punch.

"May 12. Our Smith got a child W. L.

"Sept. 11. Deviltry carried on in College.

"Oct. 17. Danced at [erased] till 12 o'clock, got home 1/2 past!

"1761 March 23. Peter and Craft and I went Dedham with Fisher, Jerrould, Starr with P dr. 2 Bs 2 Ds & S [the ladies' names are veiled] had a Dance at Dean's which being over Peter waited on one of the Bs and returned on foot to our house about Day.

"24 . . Took a walk to Metcalf's Pond & on our return set out for Cambridge—arrived at College about dark this ends the history of our Frolick."

It might well be a frolic of 1927!

"1763. Jan. 30. Mrs. Haven got a son. (proves a mere Cubb. 1812).

"March 27. Vocatus Ecclesiâ causa ganandi." (Gambling at cards.)

"Apr. 5. Time for transplanting trees.

"July 17. Gay evening in Cambridge.

"Oct. 12. Mr Benjamin Franklin here.

"1764 Aug 30. Alarming duties and taxes laid on America. Secretary Oliver appointed Distributor of Stamps for this Province. Secretary loses the Favour of the People by accepting this arduous office of Stamp Distributor.

"1765 Family prejudices soon vanish when there is a Venus in chase. Strife among sensual lovers for want of preliminary articles.

"Aug. 30. Meadows flooded, hay lost." Then describes the erection of the leaden bust of William Pitt on the church green in Dedham.

"1767 Aug. 4. Went Medfield see Aunt Morse.

"Pernoctavi Jucundissimé."—Today he'd "lose his Latin" if he invested in such constructions.

"Oct. 20. Am aet. 26."

" " 26. The charms of Innocence displayed in full lustre."

"Dec. 16. Ladies came home from Boston in a Booby Hutch."

"1769 Apr 11. The Pillar of Liberty (Pitt's Head) overthrown last night." [The leaden bust of Pitt disappeared: some say, made into bullets; but the stone momument, with Latin inscription to Pitt, is still on the Dedham green.]

"1770—April 7. Haven preaches vs. ebriety and Bundling."

"Jan. 14. I spent the Evening with pretty Patty Dwight at Fidelia's. (22) Rode in sleigh with promiscuous company. (March 1.) Dick Woodward cuts a flash Bridegroom. Sailed about the meadow and river, great freshett."

"July 7. Went into River first time this year. . . Sept. 4. Great floods, Hay destroyed. . . Nov. 3. Shooting turkeys. . . Dec. 1. This I write for revision 6 months hence, that I may try the Experiment of the Ardor of my Passion or of its Abatement by Absence, for a certain Mrs. Rewtia is at this with me very critical juncture the only object of my Wishes—sheds of tears—wants to die—purify my poor degenerate Soul—separate it from this vile polluted body of mine which immersed in Sensuality continually prompts the nobler part to unlawful Passions."

It will be seen, the Puritan still remains. There is much of this; then—

"1773. Dec. 16. East India Company's Tea sunk by Persons called Narragansett Indians."

"1774 May 12. The Act of Parliament blockading Boston and arrival of General Gage as Governor occasioned terrible consternation in all America."

"July 14. Voluntary Fast."

"June [?] Boston very much distressed by the tyrranical Port Bill stopping up the Harbour, Ships of War lying off, and Soldiers on the Shore."

"Aug. 8. Appearance of civil war."

"Oct 12. The Fair Stranger here at my house said to be a German Princess in disguise."

"1775. April 6. The Minute Men of Dedham all train here."

"April [19]. Grand battle from Concord and Charlestown —I went and dressed the wounded."

"Sept 1. Continual roar of cannon night and day."

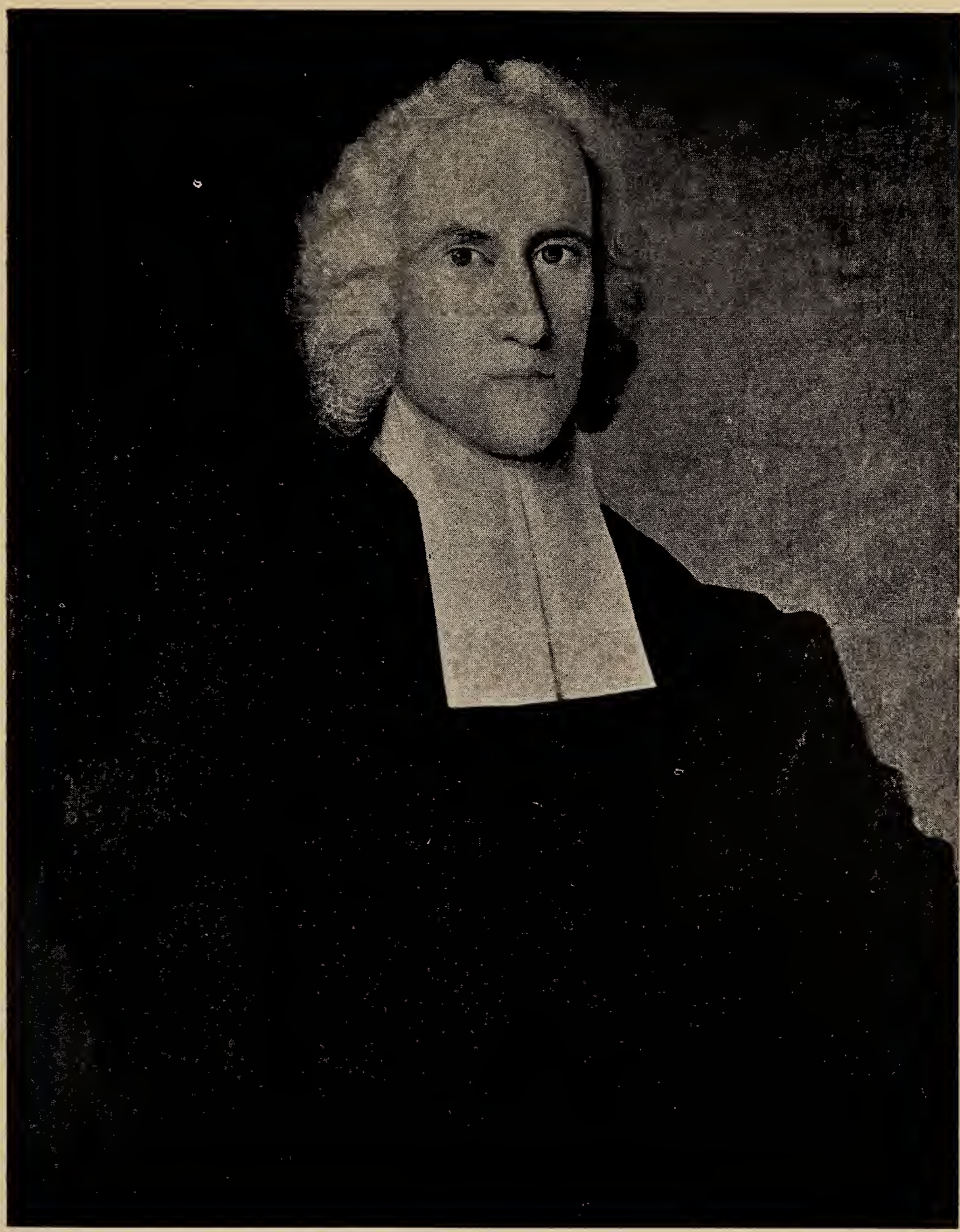
"Nov 12 King Proclaims all America rebel—"

His account of Bunker Hill is brief indeed; but thereafter Dr. Ames's style grows more compendious. Yet enough has now been copied to shoy how widely he and his environment have departed from Cotton Mather, only a few years dead.

Jonathan Edwards, Theologian

The reaction against Puritanism was both retarded—and then accentuated—by the Great Revival, and by the work of Jonathan Edwards himself in carrying the cult of Calvinism to its logical perfection. The former occurred in 1740, simultaneously with Whitefield's visit; in 1742, Edwards's *Thoughts concerning the Present Revival.* The year before, he issued his *Sinners in the Hands of an angry God,* and in 1754, his *Freedom of the Will.* He also wrote a *Treatise on Original Sin;* one on *The End for Which God created the World;* on the *History of Redemption,* and thereafter died (1758). His complete works, first published by Timothy Dwight in 1809, already seem as extinct as the mastodon or, a century later, the works of the leader of the adverse New England sect, Channing. Yet they are a marvelous piece of literature as well as a milestone of human thought.

To us moderns—Catholics, Protestants, Deists alike—the attempt to explore and define the infinite—the end for which God created the world—seems almost impious, and bound to fail. The thesis that God, omnipotent, all-prescient, for His own glory called into being a world of men many or most of whom, as He from the beginning knew, would be destined to eternal torture, is repugnant alike to our faith and our reason. Or, if they had no free will, the blame is brought even more immediately upon the Creator. While, if they had free will, His prescience knew how each man would exercise it. Hence the dogma of predestination, and the elect, and the heresy of supposing that a man's works could alter a divine



From a copy, in the Copley Gallery, of the portrait by John Smibert

JONATHAN EDWARDS

decree. Could God, Himself, alter it? Or was He, too, subject to Anagké (that Destiny above God which both Nordic and Greek imagined), in which case not He, but something else that we veil under the *x* of Erda, Fate, was God. It is interesting that nowhere in Edwards's works does he consider whether God himself can change His mind—or, if He can, whether His omniscience must not know that He would do so from the beginning. That would seem the only road by which the predestined damned could become elect. Had not Dante clearly that idea?

But from Edwards's awful logic there was no escape except blind protest. In that day, when even Milton thought that *man* could *justify* the ways of God to man, Edwards went a full step farther and thought that he could explain them. Even the scientific know better now. The gibe that "God Himself cannot make two hills without a valley between" no longer carries, if we assume that hill and valley both exist only in our own minds, in a space of three dimensions, in the form of our thought. But Edwards had no Einstein. In his day his teaching would have had complete success in New England, were it not for the Arminians (who later become Unitarians) going to the other extreme, thus casting away all attempt to define Deity, and leading a successful revolt from the old New England Church.

The Great Awakening (1740–1742)

The Great Revival was the first passionate attempt of New Englanders to escape from such doom, not by denying the doctrine, but by getting grace in the fields. Each hysterical cry in Whitefield's camp meetings meant that; it was not really hysteria but a sudden assurance of salvation.

Then the movement died out—and left reaction. Harvard and Yale and the ministers opposed Whitefield. Edwards alone sought to adopt it to his own cause. In his *Thoughts on the Revival of Religion in New England,* the preface says:

"The gracious influences of the Holy Spirit with which Northampton was so abundantly enriched and which spread through many towns in its vicinity, were soon followed by a

very extensive revival all over the land. An extraordinary zeal was created in many gospel ministers. Itinerants travelled the country and preached daily . . . Converts to Jesus were multiplied . . . Religion became almost the only subject of concern. Many indulged the hope that the millennial glory was commencing. The glorious work had its opponents . . . (Mr. Edwards's) design was to vindicate it as undoubtedly a work of God . . ."

But the "intelligentsia" did not think so. Harvard College in 1766 through its eight professors thus compliments Whitefield: "An enthusiast, sensuous, uncharitable person, deluder of the people . . . Rash and arrogant . . ." he is called; and it condemns "itinerant preaching . . . the people have been thence ready to despise their own ministers."

Yale followed suit; and in 1750 Edwards lost his parish and, after four years missionary work among the Indians, was called to preside over the infant college at Princeton, New Jersey, and died the following spring. Then gradually, often secretly, Massachusetts abjured his theology. How it stood in the last years of the century you may read in Mrs. Stowe's masterpiece, *Oldtown Folks,* which deals with life in Massachusetts in the years just following the Revolution; notice also the discussions—half serious, half amused—of his casuistry by a people who no longer really took it to heart. Moreover, just at Edwards's death, the first rumblings of the Revolution began and the Massachusetts Puritans turned their minds back to government by men of this world.

Belles Lettres

Before we come to our revolutionary writings, let us mention what we can find of pure literature in the Massachusetts of that day. First comes what is after all the most famous and lasting book of the time; Mother Goose! *Mother Goose's Melodies* was first published in 1719, attributed by Whitcomb to one Elizabeth Vergoose, but probably compiled by an uncertain Elizabeth Foster, who lived in Boston, and won the distinction of being the only unquestioned contributor to English Literature in the large, from Massachusetts,

before Jonathan Edwards, inasmuch as her book went through many London editions.

Sermons and elegiac poems of course continued, but in decreasing volume. Cotton Mather published (and preached) his *Duodecennium Luctuosum*—a history of the wars with Indians from 1702 to 1714—in which he wanders from his subject sufficiently to gloat over the death of the French king who "left off to make the world a wilderness and destroy the cities therein on the 21st of August, 1715." He also inserts a sermon on the *Consequences of the prevailing Abuse of Rum"*; but ended the volume with such mundane matters as inoculation, eclipses, and earthquakes. Yet one has only to read any of his sermons to see that he was a true orator: the sentences are short, and pointed, and fall like hammer strokes; even today's preachers might profit by his style.

Numerous rather sickening adulations of George I and the Hanoverian succession are an ignoble part of Colonial literature. Roger Wolcott was writing love poems in Connecticut. But the commonest publications of all were the numerous accounts of capitivity among the Indians, of which the best known are William and Elizabeth Fleming's *Narrative of Suffering and Deliverance* (Lancaster) and John Williams' *Redeemed Captive* (1707) arising out of the Deerfield Massacre. The well-known story of Goffe's saving Hadley is told in a chapter on the regicides in C. W. Janson's *The Stranger in America,* written by an Englishman who found nothing to admire in Boston in 1793, and who, on his return, wrote perhaps the first of the many elaborate works published by Englishmen in the first half-century after our Revolution in disparagement of the United States.

Mather Byles, a clergyman, was the leading Massachusetts poet of his era. He was a Tory, yet was good-humoredly allowed by a fond congregation to remain some time in Boston at the Revolution. In 1747 Samuel Niles wrote a *Poem on the Reduction of Louisbourg.* In 1761 Hopkinson produced an *Ode to the Memory of George II,* also a *Pastoral Elegy* on his death, and another (1762) *Ode on the Accession of George III.* Nevertheless, Massachusetts poets budded late: these effusions came long after Thomas Godfrey was writing poems and plays in Philadelphia. The first Massachusetts

essay in dramatic form is Mercy (Otis) Warren's *The Group,* published in 1775; she wrote other poems and plays—one on *The Sack of Rome;* another called: *The Ladies of Castile;* and many poems on Harvard.

General Literature

In history, the field is not so barren. Church's history of King Philip's War and the later wars against the Indians and French in Maine appeared in 1716. On this theme Penhallow, in Portsmouth, N. H., wrote a history from 1703 to 1726. Thomas Prince in 1736 began to publish a history of *New England . . . with an introduction Containing . . . the most Remarkable Transactions and Events Abroad from the Creation.* But his subject was too vast, and he only reached the year 1633. But there were good books on the Indians by David Brainerd, and by Samuel Hopkins, whose *Historical Memoirs of the Housatunnuk* (sic) *Indians* is the best work since John Eliot's. Finally, in 1764, appeared Volume I of Governor Hutchinson's classic history of Massachusetts—ending, sadly for him, in 1774.

Important biographies were issued. Jonathan Edwards wrote a *Life of David Brainerd* in two volumes, mainly from his diary, very interesting, but not so much so as the famous *John Woolman's Journals,* which it resembled; Woolman, though included in Charles W. Eliot's "Five-foot shelf" of books, is not of Massachusetts. Jane Turell—she was a predecessor of Opal Whiteley, though genuine—had her memoirs published in English and in Latin! In 1729 Samuel Mather wrote the life of Cotton Mather, as Cotton before him, published a life of his father, Increase Mather, in his *Parentator* (1724).

A curious book was *Hoop Petticoats Contrary to Nature's Law and the Law of God* (1726). More practical is Jared Eliot's *Essays upon Field Husbandry,* published in Killingworth, Conn., in 1748, and almost a georgic for New England. And in 1722 Franklin loomed up surreptitiously, in his brother's newspaper—published his *Silence Dogood Papers.* These have only precocious merit, but since the style obviously imitates the *Spectator* they give perhaps the earliest assurance

that English classics were objects "general reading" from the time of Shakespeare was little read in Harvard.

Newspapers

Moreover, though the claim of Massachusetts to Franklin will be contested (far less justly than in Edgar Poe's case, for his character and style were formed here), it will not be as to his earlier writings, including the most famous *Autobiography*—the first chapter written in 1771—but about his Boston experiences. This lately styled "first civilized American" was first civilized in Massachusetts.

In that century also appeared in 1690, *Public Occurences,* an attempt at a systematic news medium—or perhaps it was only a broadside. In any case the *Tauchnitz Manual* says "that it was immediately suppressed by the authorities of Massachusetts for the crime of uttering 'reflections of a very high nature'— not even attaining the dignity of a second number." The first number of the *Boston News-Letter* came out in 1704; the *Boston Gazette* commenced in 1719, and just one day earlier than the first number of the *Philadelphia Weekly Mercury.* In 1721 appeared the *New England Courant,* James Franklin's paper, which his brother Benjamin forgetfully calls the second newspaper in America, probably because James was a printer of the *Gazette.*

In 1729 Benjamin Franklin, already in Philadelphia, bought out his employer's (Keimer's) paper and reduced its long title *Universal Instructor in all Arts and Sciences and Pennsylvania Gazette* to the last two words alone.

Statesmen Authors

In pure literature nothing was done in Massachusetts between Edwards's triumph and the Revolution. Governor Hutchinson published the first volume of his *History* in 1764. *Tauchnitz's Manual* calls Samuel Adams the most influential political writer of his time; his *Circular Letter to each Colonial Legislature* appeared in 1768, four years later than Otis's *Rights of the British Colonies.* "The most voluminous political writer of his time in America . . . between the years 1754 and 1776, he (Samuel Adams) was the most vigilant, indus-

trions, effective, and also the least identified of writers to the newspapers," says Stanton. Yet when we study the political writings that gave birth to America's independence, we find that there were not so many in Massachusetts as in Pennsylvania. Sam Adams, Hancock, Warren were, after all, men of action, not books; and John Adams began his political writing about our Constitution after our independence had been established.

Undoubtedly the first in date and highest in skill was James Otis. His great speech on writs of assistance (general search warrants) in 1761—which led to the Fourth Amendment in our national Bill of Rights, and was in substance copied or extended in all our State constitutions, declaring forever unlawful general searches or seizures without definite warrant, is said to be the one American constitutional principle that has been taken over from us and, under Lord Camden, adopted as a part of the British Constitution. James Otis is said by John Fiske to have made by "his passionate eloquence so great an impression upon the people that this scene in the court room has since been remembered—and not unjustly—as the opening scene of the American Revolution. In 1762 appeared his *Vindication of the Conduct of the House of Representatives;* and in 1764 the *Rights of the British Colonies Asserted and Proved;* and in 1765 his *Considerations on Behalf of the Colonies.*

Franklin was, of course, our best pamphleteer, and the next year his *Examination Before the House of Commons* was published in Boston, and in Philadelphia both in English and in German. Jared Ingersoll published that same year in New Haven his *Letters Relating to the Stamp Act,* about which numerous pamphlets appeared, both in prose and in verse. In 1767, in Pennsylvania, John Dickinson began his political writing; and in 1768 Samuel Adams sent his *Circular Letter* above mentioned and in 1769 published his *Appeal to the World or a Vindication of the Town of Boston.*"

That same year appeared Governor Hutchinson's *Original Papers or an Appendix to the History of Massachusetts Bay* (presumably what was left from the sacking of his house four years before in the Stamp Act riot). Then in 1770 came the Boston Massacre—not long after the soldiers of "Sam Adams's

regiments" (so called in compliment because he caused their coming) had assisted in a brutal assault upon James Otis in the British Coffee House, where Otis received, says Fiske, "a blow on the head with a sword from the effects of which he never recovered, but finally lost his reason." So, perhaps, the most brilliant of our revolutionary writers ceased to write. Joseph Warren made the *Oration* on the Boston Massacre, and he fell at Bunker Hill, where Pitcairn, who first ordered British troops to fire upon Americans, also fell; and in 1774 Hutchinson was recalled. But the peculiar objects of King George's hatred—the town of Boston and Sam Adams and Hancock—escaped unscathed; and the British soldiers, that had gone only to Castle Island in 1770, had to leave Massachusetts Bay forever in 1776.

"*Inter arma silent—literae.*" For several years after 1775 no books were published in Massachusetts. In 1774 John Adams, John Dickinson, Freneau *(A Voyage to Boston),* Hamilton, Hopkinson, Jefferson had all been writing on British —or, as they loyally still termed them, *ministerial*—misdeeds.

In 1776 they all stopped. Only the professional pamphleteers kept driving their quills—Freneau, Hopkinson, Thomas Paine, and Franklin (the very Prince of Propagandists); the Adamses, Warren, Hamilton were otherwise engaged. Yet we may pause to note that both Lexington and the Delaware gave rise to some poetry, mostly humorous; Franklin commented on the speed of the British retreat from the former place; and Hopkinson wrote his *Battle of the Kegs* about the latter. In 1775 Mercy Otis Warren published her political comedy, Paine his *Common Sense,* and in 1779 Ethan Allen from a London prison his *Narrative of Captivity.*

Belonging to this period, though published in Connecticut in 1782, is Trumbull's famous *M'Fingal.* The Boston edition of 1799 says that "in 1792 a splendid edition of it appeared in London, with explanatory notes"; and certainly the poem has a Drydenesque quality, well adapted to explain the cause and sentiments of the colonies. As such, it may be commended to the attention of our present obscurantists who would deny the righteousness of both. Trumbull was a Hartford man, but lived long in Boston, was graduated at Harvard in 1773, and

says in his preface, "The Scene of the Poem is laid in Massachusetts"—so we may fairly claim him.

Post-Revolutionary Literature

Post-Revolutionary literature was slow of birth. Wendell quotes Henry Adams as ascribing it to a stagnation of mental life. This is not fair, unless we limit mental life to poetry, essays, and works of the imagination. Still rather breathless from religious struggle, our forefathers had to rise up to make a constitution and a nation. Hence, though Wendell may be right in saying that Blackstone cuts no figure in English literary history, this is not so narrowly true of Hamilton, Jefferson, Franklin, and John Adams. For he, and they, began at once to write—his contribution being a ponderous study, in three massive volumes, of all republics of all time, of "Democratic," "Aristocratic," and "Monarchic" republics. His breadth of view will be seen since he includes Machiavelli's Pictoria, Padua, and other Italian oligarchies or tyrannies among the former. He ranges all the way from Neufchatel to Poland; gives many letters and opinions for and against; writes, among many, one to Franklin in which he coins the word "Massachusettensius"; and finally devotes three hundred pages to "The Right Constitution of a Commonwealth examined."

It is safe to say that today his recently published correspondence with his whilom enemy, Thomas Jefferson, will find a thousand times more readers and is more (properly speaking) literature, while his correspondence with Abigail his wife results in far and away the most interesting contemporary account of the Revolution.

Correspondence

This brings us to that branch of literature wherein, after beginning with diaries and almanacs, Massachusetts letters at the end of the seventeenth century excelled—letters. Most of such, unfortunately, remain in manuscript, or in the not easily procurable editions of the historical societies. Such are the Winthrop, Adams, Belknap, Belcher, Hinckley, Pickering,

Bowdoin, Temple, Pepperrell, and Heath papers, and the correspondence of Mercy Warren—poetess and dramatist already mentioned, but politician above all—with John Adams's wife. It is much to be desired that some one prepare an index to such New England correspondence on the model of the invaluable *New England Diaries* by Harriet M. Forbes. And no one since Sévigné would question the right of correspondence to be called literature. John Adams himself, indeed, in 1786 published his letters respecting the Revolution written in 1780.

Travel

In 1778 was published in London the famous *Three Years Travels* of Jonathan Carver, promptly reprinted in Philadelphia. On the title page he describes himself as a "Captain of the Provincial Troops in America," and he sets out from Boston soon after "the late war with France concluded," and arrives at "Michilimackinac, the remotest English post, in September 1766," and returns to Boston in June, 1768, "having travelled near seven thousand miles." The *Tauchnitz Manual* states that he died in London, penniless, but that it was "in consequence of this publication . . . and the miseries he encountered as an American man of letters in London that . . . the foundation was made for that magnificent endowment . . . the Royal Literary Fund." It is of great interest in its geography, natural history, and study of the Indians, attracted great notice abroad, "had a strong fascination for Schiller . . . and Carver's report of a harangue by a Nadowessian chief over the dead body of one of their great warriors—being itself a piece of true poetry in prose—was turned into verse . . . which pleased Goethe so much that he declared it to be among the best of Schiller's poems."

His study of the Indians has been superseded by the work of Schoolcraft and others, and his voyaging by many French explorers; nevertheless, Carver may be said to have laid the foundation, long before Cooper, of the European cult for the American Red Indian. All this reputation is unaffected by the Nineteenth Century discovery of the remarkable likeness of many passages to earlier French travellers and explorers.

Indeed, one of the first secular interests to revive after the Revolution was geography, as was natural to Americans, finding a new continent now all their own. About this time Timothy Dwight, of New Haven, wrote his *Travels in New England,* and Jedediah Morse his *Geography Made Easy.* Far the most famous of them, however, was John Bartram, whose volumes on the botany and natural history of America—particularly the southern colonies—travelled so far as to become one of the sources of Coleridge's *Kubla Khan;* but he was a Philadelphian.

The Adams Correspondence

The Revolution gave birth to the best of our correspondence. The letters of John and Abigail Adams to each other (1771 to 1801) have been mentioned already; both write in a charming style, vivid, affectionate, and human; neither one, moreover, without humor, which one hardly expects from John Adams, though his wife had more. Then, there is the correspondence of John and Abigail Adams—also of Sam with James and Mercy (Otis) Warren, in two great volumes published by the Massachusetts Historical Society; the letters run from 1743 to 1814, and on p. 168 of Volume I is a facsimile of the title page of *The Group* by Mercy Warren, "as lately acted . . . to the wonder of all superior intelligences, nigh headquarters at Amboyne"—a political satire. She also published much poetry and a history of the Revolution later, as Hannah Adams did (1795) a *History of New England.* Then there is General Heath's correspondence, in three volumes, published by the same society (1774–1782), with letters from and to Washington, Lafayette, Burgoyne, and many others. Now there is much more such correspondences published; and doubtless, from the files of our historical societies more will come. But only the Adams and Warren letters may fairly be considered literature, and, perhaps best of all, the diaries and letters of John Quincy Adams, which begin in 1795 about the time when he was appointed Minister to Prussia, and end only with the famous correspondence with Jefferson, continued up to his death. And here we may well leave the eighteenth century; for while John Adams belongs indisputably to it, John Quincy

Adams writes always like a man of his world in the nineteenth. The difference in style is as marked as that between Cotton Mather and Sewall and Ames, a century before.

Light Literature

There remains to note only the birth of our light literature. New Haven was at that time the literary centre; and there were "Hartford wits," but none in Boston, with the possible exception of Robert Treat Paine, have survived. Perhaps the earliest of our "shilling shockers" was the famous *Female Review, or Memoirs of an American Lady, a Continental Soldier for nearly three years in the late American War during which time she performed the Duties of every department . . . and preserved her Chastity Inviolate*"—the authentic account of Deborah Sampson's experiences, written "by a Citizen of Massachusetts" and published at Dedham in 1797. The author, however, had evidently read his Smollett; and Sterne was evidently familiar to the writer of our next piece of light literature, *The Algerine Captive* by Royall Tyler, the first volume of which gives an account of life and manners in the southern New Hampshire of that period worthy of Sterne himself. The second volume, however, is a rather threadbare story of Algerine captivity—a danger which was familiar to our seafaring ancestors, hardly more than a century ago. In 1793 appeared *The Foresters, an American Tale.* If so, perhaps the first, for Mercy Warren's two plays were entitled *The Sack of Rome* and *The Ladies of Castile,* while her poems (1790), when not patriotic, were principally about Harvard College, which institution may also claim the credit, through its famous student society, of inspiring the first New England humorous poem, *The Hasty Pudding,* written by Joel Barlow in 1795 at Chambéry in Savoy with some touch of homesickness. He also wrote a revision of Dr. Watts' *Psalms,* and was a graduate of Yale, and perished seeking Napoleon in the snows of Russia. It should not be forgotten that Phillis Wheatley, negro slave to a merchant of that name in Boston, published in London a volume of poems in 1773.

Perhaps the first New England novel is *The Coquette, or History of Elisa Wharton* (1797) by Hannah Foster, based

on an early seduction, which suggested also the plot of Mrs. Stowe's *Oldtown Folks;* and it is a sarcasm of destiny that the seducer was actually the son of Jonathan Edwards with whose great work the century began.

In 1794 Belknap began his *American Biography;* and after 1787 Noah Webster deserted the *Federal Constitution (Leading Principles)* for lighter topics, and dictionaries. All these writers belong in part to Massachusetts; so Franklin in 1789 wrote his autobiography, which certainly derives from his Boston childhood. But in 1790 Brockden Brown was already writing novels in Philadelphia. With us the Age of Fiction had hardly begun. It was the palmy day of Massachusetts supremacy upon the ocean! Her people sailed to Oregon and to Cathay, explored the West. In 1800 Bowditch's *Navigator* appeared, and in 1792 the first volume of the Massachusetts Historical Society. Massachusetts was predominating by sea and by land, but the Bay State was still concerned with realities.—It is 1827 before any other Massachusetts writers of poetry or fiction appear; and longer still before the first Massachusetts essayist.

SELECT BIBLIOGRAPHY

ADAMS, CHARLES FRANCIS.—*Three Episodes of Massachusetts History* (Boston, Houghton Mifflin, 1872).

ADAMS, HANNAH.—*A Summary History of New England* (Printed for the Author, Dedham, 1799).

ADAMS, HANNAH.—*Poems.*

ADAMS, JOHN.—*Works, with a life of the author* (10 vols., Boston, Little, Brown, 1850-1856)—Edited by C. F. Adams.

ADAMS, JOHN.—*A Defence of the Constitution of Government of the United States of America against the Attack of M. Turgot* (London, C. Dilly, 1787-1788).

ADAMS, JOHN.—*History of the Principal Republics of the World* (London, J. Stockdale, 1794).

ADAMS, JOHN.—*Twenty-Six Letters, Upon Interesting Subjects Respecting the Revolution of America, Written In Holland, in the Year 1780* (Printed for the Subscribers, London, 1786).

ADAMS, JOHN, AND ABIGAIL.—Correspondence (in John Adams's *Works*)—Partial collections have been published separately.

ADAMS, JOHN, AND WARREN, MERCY.—*Correspondence Relating to her "History of the American Revolution," 1807* (Mass. Historical Society, *Collections,* Fifth Series, Vol. IV, Boston, 1877).

ADAMS, JOHN, ADAMS, SAMUEL, AND WARREN, JAMES.—*Warren-Adams Letters 1743-1814* (2 vols., Mass. Historical Society, *Collections,* Vols. 72-73, Boston, 1917, 1925).

ADAMS, JOHN, AND JEFFERSON, THOMAS.—*Correspondence, 1812-1826* (Indianapolis, Bobbs-Merrill, 1925)—Selected by Paul Wilstach.

ADAMS, JOHN QUINCY.—"Diary" (Mass. Historical Society, *Proceedings,* Second Series, Vol. XVI, pp. 295-462, Boston, 1903)—From the diary kept by Adams 1787-1788.

ADAMS, JOHN QUINCY.—*Writings* (7 vols., New York, Macmillan, 1913-1917)—Edited by W. C. Ford.

ADAMS, SAMUEL.—*Appeal to the World; or A Vindication of the Town of Boston* (Boston, Edes and Gill, 1770).

ADAMS, SAMUEL.—"The House of Representatives of Massachusetts to the Speakers of Other Houses of Representatives, February 11, 1768" (*Works,* 4 vols., N. Y., Putnam's, 1904)—Edited by E. A. Cushing. See Vol. I, p. 184. The work of a committee consisting of Adams, Otis, Cushing, Hawley, Bowers, Dexter, and Richmond.

AMES, NATHANIEL.—*The Essays, Humor, and Poems of Nathaniel Ames, Father and Son, of Dedham, Mass., from their Almanacks, 1726-1775* (Cleveland, Short & Forman, 1891)—Notes and comment by Sam. Briggs.

AMES, NATHANIEL.—"Diary, 1758-1807" (*Dedham Historical Register,* Vols. 1-14, Dedham Historical Society, 1890-1903)—Extracts from the diary of the son.

BARLOW, JOEL.—*The Hasty Pudding* (N. Y., 1796; New Haven, Tiebout & O'Brien, 1796)—A poem written at Chambéry, Savoy, 1793.

BELCHER, JONATHAN.—*The Belcher Papers* (2 vols., Mass. Historical Society, *Collections,* Sixth Series, Vols. VI-VII, Boston, 1893-1894).

BELKNAP, JEREMY.—*The Belknap Papers* (3 vols., Mass. Historical Society, *Collections,* Fifth Series, Vols. II-III; Sixth Series, Vol. IV; (Boston, 1877, 1891).

BELKNAP, JEREMY.—*American Biography* (2 vols., Boston, Andrews, 1794-1798).

BOWDOIN, JAMES, AND TEMPLE, SIR JOHN.—*The Bowdoin and Temple Papers, 1756-1800* (2 parts, Mass. Historical Society, *Collections,* Sixth Series, Vol. IX; Seventh Series, Vol. VI; Boston, 1897, 1907).

BYLES, MATHER.—*On the Death of the Queen. A Poem* (Boston, D. Henchman, 1738).

BYLES, MATHER.—*A Poem on the Death of his late Majesty King George, and the Accession of . . . George II* (Boston, 1727).

BYLES, MATHER.—*Poems: The Conflagration. The God of Tempest and Earthquake* (Boston, n.d.)

CARVER, JONATHAN.—*Travels through the Interior Parts of North America, in the Years 1766, 1767, and 1768* (Printed for the Author, London, 1778).

CHURCH, THOMAS.—*Entertaining Passages Relating to Philip's War* (Boston, printed by B. Green, 1716).

COPLEY, JOHN SINGLETON, AND PELHAM, HENRY.—*Letters and Papers, 1739-1776* (Mass. Historical Society, *Collections,* Vol. 71, Boston, 1914).

DWIGHT, TIMOTHY.—*Travels in New England and New York* (New Haven, T. Dwight, 1821-1822).

EDWARDS, JONATHAN.—*Some Thoughts Concerning the present Revival of Religion in New England* (Boston, S. Kneeland and T. Green, 1742).

EDWARDS, JONATHAN.—*An Account of the Life of the late Reverend Mr. David Brainerd* (Boston, D. Henchman, 1749).

EDWARDS, JONATHAN.—*Complete Works* (8 vols., Worcester, 1808-1809; 10 vols., 1809)—Edited by T. Dwight in 1809.

ELIOT, JARED.—*An Essay upon Field Husbandry in New England* (Parts I-VI, New London, New York and New Haven, 1748-1759).

FLEMING, WILLIAM AND ELIZABETH.—*A Narrative of the Sufferings and Surprising Deliverance* (Printed for the Benefit of the unhappy Sufferers, Phila., n.d.; Boston, Green & Russell, 1756).

FRANKLIN, BENJAMIN.—*Autobiography*—First edition probably 1791; a French edition under the title *Mémoirs de la vie privée de Benj. Franklin . . . publiées sur le manuscrit original écrité par lui-même* appeared in Paris, 1791; the second American edition, in Philadelphia, 1794; also *Memoirs of the Life and Writings of Benjamin Franklin, Written by Himself, and continued to the time of his Death by his Grandson* (6 vols., London, Colburn, 1818-1819); many later editions.

FRANKLIN, BENJAMIN.—*Poor Richard. An Almanack for the Year of Christ 1733* (Phila., printed and sold by B. Franklin, [1733]).

FRANKLIN, BENJAMIN.—"Plan of Union for the Colonies" *(Writings,* 10 vols., N. Y., Macmillan, 1905)—Edited by A. H. Smith. See Vol. III, pp. 207-226. The plan was formulated in 1754.

FRANKLIN, BENJAMIN.—"Silence Dogood Papers" *(Writings,* 10 vols., N. Y., Macmillan, 1905)—Edited by A. H. Smith. See Vol. II, pp. 1-49. First appearance of Franklin in print, at age of sixteen.

HOPKINS, SAMUEL.—*Historical Memoirs Relating to the Housatunnuk Indians* (Boston, S. Kneeland, 1753).

HUTCHINSON, THOMAS.—*The History of the Colony of Massachusetts Bay from . . . 1628 Until 1691* (Boston, Thomas and John Fleet, 1764).

HUTCHINSON, THOMAS.—*The History of the Province of Massachusetts Bay from 1691 Until 1750* (Boston, Thomas and John Fleet, 1767).

MANN, HERMANN.—*The Female Review; or, Memoirs of an American Young Lady; whose Life and Character Are Peculiarly Distinguished—Being a Continental Soldier* (Printed for the Author, Dedham, 1797) —Recounts the actual experience of Deborah Sampson.

MATHER, COTTON.—*Decennium Luctuosum. An History of . . . the Long War, which New England hath had with the Indian Salvages, From the year 1688 to the Year 1698* (Boston, Samuel Phillips, 1699).

MATHER, COTTON.—*Diary 1681-1724* (2 vols., Mass. Historical Society, *Collections,* Seventh Series, Vols. VII-VIII; Boston, 1911-1912).

MATHER, COTTON.—*Magnalia Christi Americana* (London, T. Parkhurst, 1702; reprinted in 2 vols., Hartford, S. Andrus & Son, 1853).

MATHER, COTTON.—*Parentator* (Boston, R. Belknap, 1724).

MATHER, COTTON.—*Sober Considerations, on a growing Flood of Iniquity . . . the Woful Consequences of the Prevailing Abuse of Rum* (Boston, John Allen, 1708).

MATHER, INCREASE.—*A Plain Discourse Shewing who shall & who shall not Enter into the Kingdom of Heaven* (Boston, B. Eliot, 1713).

MATHER, INCREASE.—*Sermons* (Boston, D. Henchman, 1718).

NILES, SAMUEL.—*A Summary Historical Narrative of the Wars of New England with the French and Indians in the Several Parts of the Country* (2 parts, Mass. Historical Society, *Collections,* Third Series, Vol. VI, 154-279; Fourth Series, Vol. V, 309-589; Boston, 1837, 1861) —A manuscript in the library of the Society, preface dated 1760.

NORTON, JOHN.—*The Redeemed Captive* (Boston, Printed & Sold opposite the Prison, 1748).

OTIS, JAMES.—*Rights of the British Colonies Asserted and Proved* (Boston, Edes & Gill, 1764).

OTIS, JAMES.—*A Vindication of the Conduct of the House of Representatives* (Boston, Edes & Gill, 1762).

OTIS, JAMES.—"Writs of Assistance Speech" (See TUDOR, WILLIAM: *Life of James Otis,* Boston, Wells and Lilly, 1823, pp. 62-86; also MINOT, GEORGE RICHARDS: *Continuation of the History of the Province of Massachusetts Bay from 1748 to 1765,* 2 vols., Boston, Manning & Loring, 1798-1803, Vol. II, pp. 91-97)—John Adams took fragmentary notes of the speech, which were appropriated by some unknown person and printed in a newspaper; Tudor's account of the speech is based on Minot.

PAINE, THOMAS.—*The American Crisis* (Number 1, n.d.)—Probably issued in 1776; the second part is dated Jan. 13, 1777.

PAINE, THOMAS.—*Common Sense* (Phila., R. Ball, 1776)—Many other editions.

PAINE, THOMAS.—*The Rights of Man* (Boston, I. Thomas and E. T. Andrews, 1791).

PEPPERRELL, SIR WILLIAM.—*The Pepperrell Papers* (Mass. Historical Society, *Collections,* Sixth Series, Vol. X; Boston, 1899)—Documents and letters relating to the siege of Louisburg.

PICKERING, TIMOTHY.—Papers (See *Historical Index to the Pickering Papers,* in Mass. Historical Society, *Collections,* Sixth Series, Vol. VIII; Boston, 1896)—The Pickering Papers are stored in the custody of the Society.

SAMPSON, DEBORAH. See MANN, HERMAN.

SEWALL, SAMUEL.—*Diaries, 1674-1729* (3 vols., Mass. Historical Society, *Collections,* Fifth Series, Vols. V-VII; Boston, 1878-1882).

TYLER, ROYAL.—*The Algerian Captive* (2 vols., Walpole, N. H., 1797).

WARREN, JOSEPH.—*Oration Delivered March 5th, 1772 . . . to Commemorate the Bloody Tragedy of the Fifth of March, 1770* (Boston, Edes and Gill, by order of the town of Boston, 1772).

WARREN, MERCY.—*The Group* (Boston, Edes and Gill, 1779).

WARREN, MERCY.—*History of the Rise, Progress and Termination of the American Revolution* (Boston, E. Larkin, 1805).

WARREN, MERCY.—*Poems, Dramatic and Miscellaneous* (Boston, I. Thomas and F. T. Andrus, 1790).

WILLIAMS, JOHN.—*The Redeemed Captive* (Boston, 1707).

WOOLMAN, JOHN.—*Considerations on Keeping Negroes* (Phila., Printed by B. Franklin and D. Hall, 1762).

CHAPTER XI

COTTON MATHER, PARSON, SCHOLAR AND MAN OF AFFAIRS

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The Fame of Cotton Mather

On July 27, 1713 the Council of the Royal Society of London nominated Cotton Mather for membership. Early in 1714 he had word that he, "in an Infant Countrey, entirely destitute of Philosophers", had been elected to a body which he thought of as "among the Glories of *England,* yea, and of *Mankind.*" Nine years later the Society, to correct an error in its records, balloted once more on his name, and, at one of the most crowded meetings in its history, presided over by Sir Isaac Newton, confirmed his election.

Few Americans had been thus honored, and the recognition accorded Mather is the more marked because he had never been in England, so that his claims upon the Society were based solely upon his reputation outside of Massachusetts. However unscientific and unscholarly what he and Halley and Newton and the English "virtuosi" chose to call scholarship, his English friends seem to have made no mistake in singling him out from his countrymen for such dignities as they could confer. They anticipated posterity, which has made him the most famous of New England Puritans. The nature of his fame is more debated now than it could have been by the Fellows of the Royal Society two centuries ago; for, since his death, he has been by some praised more than he deserved and by others harshly treated to an extent not merited even by his obvious defects. As Professor Kittredge said in 1911, "When a Boston preacher who died almost two hundred years ago can still divide our local republic of letters into hostile camps

at a moment's notice, the presumption is that he amounted to something."

In his life and interests may be seen some of the tangled threads woven into the Massachusetts history of his period. He was an actor, if sometimes a minor one, in many events of that far-off day, and because he was something perilously like a genius—good or bad—his playing of his rôle is worth watching. Other men, who contributed more to history, were less renowned, and lack his significance as one of the rare individuals who, by some magic of personality, live in memory as the striking local figures of their centuries.

Ancestry and Early Life (1663–1675)

Cotton Mather lived all his life, from 1663 to 1728, in Boston, the place of his birth. From 1685 until his death he was minister at the Second Church in that town.

His ancestry undoubtedly shaped part of his career. He was the grandson of Richard Mather and John Cotton, both pioneer preachers and founders of New England Congregationalism. His father was Increase Mather, the most influential New England Puritan of his generation and for years the recognized leader of the Massachusetts church. Increase was President of Harvard College and brought it safely through some of its most critical years. His son was his colleague at the Second Church until his death, and the ideals of the older man became in most matters the ideals of his son.

Unfortunately for Cotton Mather many of his generation lost before 1728 the Puritanic ardor which had inspired his forbears and still inspired him. A newer day brought up its young men to serve new gods; New England changed and dwellers therein changed with it. Trade became more important than Calvinism, and a worldly spirit, less common in the early years of the colony, grew stronger day by day. Therefore, Cotton Mather often found his inheritance and training at odds with much that other men of his age looked upon as good. He had to make more than one awkward choice between denying what he had been brought up to revere and fighting on in the face of odds too strong to be overcome. Usually he chose to fight at whatever odds, and thence came

tragedy. He never experienced the woe of seeing the old piety, the old conception of Massachusetts as the promised land of Puritanism, the old reverence for religious and moral values, quite abandoned; but he lived to see signs of change everywhere. In some directions he welcomed change. He was himself a pioneer among his fellow colonists in his interest in some lines of scholarship; and his attitude toward science led him into a position more advanced than that held by most scientific men of his time. But, wherever what he conceived to be the duty of every man to God was involved, he refused innovation or compromise.

As a boy he was puritanically sure that his peccadilloes were grave sins; but in his father's eyes he was "Sanctified by the Holy Spirit of God" even in infancy. He "began to *pray,* even when" he "began to speak," and at the age of seven or eight "composed *Forms* of *prayer*" for his schoolmates and "obliged them to *pray.*" They repaid him, naturally, by "Scoffs" and "Blows."

Education (1675–1684)

As a boy, he went in summer to the Boston Latin School. In winter, because he was too delicate to face bitter weather, he studied church history at home. "At the Age of little more than *eleven years*" he could speak Latin and write it in both prose and verse. He had read most of the New Testament in Greek, and had begun to study Hebrew. He entered Harvard when he was twelve. There he was hazed by more robust and less pious students, but proved himself diligent, reading "Hundreds of books," and keeping a "Diary" of his studies.

One detail of his college career explains part of his later work. "For my *Declamations,*" he says, "I ordinarily took some Article of *Natural Philosophy* for my subject." He was handicapped by an impediment in his speech, and feared that he could not carry on the family tradition by entering the ministry, so that for a time he turned to the study of medicine. His later scientific work was, therefore, not the chance dabbling of a complete amateur or a mere ambitious petitioner for attention from scientific scholars. By natural bent as

well as by such training as he could get in Massachusetts he was partially equipped for the scientific studies which he later pursued so eagerly.

He graduated in 1678, with the distinction of being the youngest who had ever taken a bachelor's degree at Harvard. His defect of speech was conquered, and in 1680, then seventeen years old, he preached his first sermon. Six months later he was asked to act as his father's assistant at the Second Church of Boston. In 1681 he took his A.M. at Harvard. Called to minister to a congregation in New Haven, he refused to leave home, and, in February, 1682, when the invitation was repeated, he had already been elected pastor of the Second Church. He was formally ordained there in May, 1685.

Thus far he appears as the precocious student, invincibly devout, interested in the souls of others as well as in his own, possessed of a smattering of science, and in theology well versed enough to be thought worthy of leadership in one of the largest churches in the colonies. His diaries show something of what lay beneath the surface. Intensely emotional in his religion, given to seeing in the most commonplace events direct messages from God, fiercely determined to perfect himself, introspective to a degree, many pages of his diary display a man difficult for modern observers to understand. Nervously sensitive, much of his inward struggle seems merely neurotic; certainly he lacked the mental balance which might have made him more likeable. In 1685 he was sure that an angel talked with him, and throughout his life he was the victim of similar delusions. However much one may scoff at them, one cannot laugh away the fact that they were real to him.

Essentially he was no hypocrite, and even though some of his records of himself seem to rationally minded critics of a cooler headed day wildly exaggerated, he need not be blamed, perhaps not even pitied. In his inner life, his conflicts with himself, his communings with heavenly visitors, his agonies of prayer, were both solace and the source of a fervent desire to do God's work on earth. Neurotic, hot-headed, fanatic—each of these adjectives applies to him at times, but no one of them sums up the full quality of his nature. His ideal

may have been bad; what he understood as God's work may not have been worth doing. None the less his enthusiasm, his constant preoccupation with dreams, fears, and visions, more real to him than they can ever be to us, may be respected if not admired by generous minded critics; and only through recognition of their reality to him and their hold upon him can the tale of his life be made intelligible.

Entry into Politics (1685–1689)

In 1685 Cotton Mather as pastor of the Second Church became an Overseer of Harvard College. In the next year he married Abigail Phillips, daughter of a leading citizen of Charlestown. His recovery from an illness shortly after set him upon redoubled efforts to do good. He organized Sunday evening prayer-meetings, and resolved to do what he might to stamp out the Episcopalianism which was creeping in with Governor Andros and his supporters. But it was not until the Revolutionary period of 1688-89, that he first had to shoulder great responsibilities.

By 1688 Massachusetts, deprived of her charter, was in a position which seemed to demand intercession on her behalf in London if she was to prosper. In some quarters Andros was unpopular, and Congregationalists in general felt that his activities and Randolph's were dangers to New England's erstwhile orthodoxy. Accordingly, in April, Increase Mather as representative of the colony set sail for England to plead the cause of his brethren there. James II was believed to be in a mood conciliatory toward nonconformists. Some of Andros's acts seemed to lay him open to attack. The elder Mather was chosen to plead the churchgoer's case against the royal governor and to urge the restoration of the charter under which Congregationalism had been politically supreme. He did not return to Boston for four years.

In his absence his son, still in his twenties, must not only conduct the Second Church single-handed, but also, so far as in him lay, fill his father's shoes. Increase Mather had managed to oppose the English governmental policy, to stimulate popular feeling against it, and to protect Harvard and, so far as might be, the community, against Anglicanism, while avoiding

any open breach with Andros. With his policy his son sympathized, and from 1688 to 1692 he tried to carry it on in Massachusetts.

Events moved rapidly. Realizing that a revolt against Andros was probable, Cotton Mather joined with other citizens to plan to take command of the situation if need arose. He drew up the famous *Declaration of the Gentlemen, Merchants, and Inhabitants of Boston,* which was issued as the manifesto of the rebels against Andros on April 18, 1689. In this he put to good use his skill as a writer, already shown in some seven publications printed as the first products of his marvellously prolific pen. At a meeting in Boston he pled for moderate action by the people. He was threatened with arrest by the government, but the revolt came quickly enough to save him.

The Witchcraft Episode (1690–1705)

Politics, and his duties as Fellow of Harvard College, beginning in 1690, did not exhaust his energy, for he found time to write a book on witchcraft. This, his *Memorable Providences,* has brought him undue obloquy. It contained an account of several "cases of witchcraft," including one which Mather himself had investigated and in which he had tried to save a victim of supposed diabolical possession by fasting and prayer. This book, like others circulated in the colonies, may have helped to prepare the minds of Massachusetts men for seeing in later events at Salem Village the work of the devil. That Cotton Mather wrote to spread delusion there is no reason to suppose, for in 1689 witchcraft was viewed as a crime regrettably common and penalized by the laws of England and her colonies. Scientists and divines wrote of witches, and to believe in their existence was then no sign of excessive credulousness. Mather's *Memorable Providences* testifies merely to his interest in certain phenomena which his age interpreted erroneously. Read with the writings of many other scholars of the late seventeenth century, it is no more ridiculous in what it considers as fact and no more baneful in tendency than theirs.

The details of Cotton Mather's connection with the witchcraft excitement of 1692 belong in the history of that excite-

ment as set forth in another chapter of this work, rather than in a brief account of his career. A few points are fundamental and deserve mention here. In the first place, he drew up a document giving to the judges of the witch court the advice of the Boston clergy, for which they had asked. This advice, the interpretation of which has been much disputed, is clear in at least two respects. It urged that the agents of the law continue the prosecution of all who were suspected of witchcraft; and it urged caution as to the sort of evidence to be accepted in proving guilt. This caution, if it had been observed, would have made impossible most of the convictions at Salem. Secondly, though Mather as divine and scientific student was tremendously interested in the witch trials, he attended no one of them. He did go to Salem on several occasions to pray with the prisoners, and he was present at the execution of George Burroughs, seizing the opportunity to assure the crowd, moved by the victim's dying speech, that the sentence was just. Just it was, probably, by the standards then recognized in English and colonial courts; and however absurd these standards seem now, to criticize Mather for accepting them is simply to blame him for a lack of prophetic insight into the course later to be taken by science and law. Third, Mather wrote of the trials, preached on witchcraft, and, no doubt, helped thereby to keep popular excitement alive. Fourth, in 1693 he interested himself in another case which seemed to him to be one of witchcraft, but he treated it by doing what he could for the victim by prayer and counsel, and made no attempt to start prosecution or to publish what he wrote of the affair. Finally, it should be remembered that before 1700 he expressed himself publicly and definitely as convinced that the errors of the witch court had caused some innocent folk to suffer; all his "witchcraft books" and such active concern as he had with trials for that crime belong to the first thirty years of his life.

The Politician (1689–1694)

In 1692 Increase Mather came home from England. He had failed to recover the old charter, but he had accepted a new one in which a few of what the colonists held to be their

rights were better safeguarded than before. The old restriction of the suffrage to church members he had been obliged to give up, but he was able to ensure the orthodoxy of the new government for a time at least by getting the privilege of nominating the governor and the other officers who were to rule for the first year under the new charter.

His nominations were all adopted. The governor was Sir William Phips, a New England seafarer who, inspired by one of Increase Mather's sermons, had been baptized by Cotton Mather in 1690. The other appointees were almost all men whom the voters had elected to office when the old charter was in force. Thus, in 1692, the colony's officers owed their places to Increase Mather, and his son rejoiced mightily at the aspect of affairs.

Had he been a prophet he would have rejoiced less. The new charter, and Increase Mather's success in politics, marked the beginning of troublous days. Formerly no one not a church member might vote; and the ministers, though unable to hold political office, were looked up to by their congregations and determined in large measure who should be admitted to the churches and, therefore, to the franchise. Now, however, property holding, not church membership, was the test for the suffrage. Inevitably those who were prosperous but unorthodox, even downright foes of Congregationalism provided they were rich enough, acquired new power in politics. Increase Mather's nomination of officers under the new charter was an effective way of preserving for a time the dominance in the colony of men who shared his views; but, once in politics, he became a target not only for those who disliked his religious tenets but also for challengers of his political doctrines. He was opposed by extreme conservatives, like Elisha Cooke, who believed that to have accepted anything short of the old charter was treachery to the colony and its church. To their hostility was added that of the Episcopalians, or those with Episcopalian leanings, of Congregationalists eager for innovations in polity, and of all who found distasteful the administration of Phips, Mather's nominee. He was not an able governor, and his political failure weakened the Mathers' prestige.

Cotton Mather supported his father and was exposed to

the same attacks. His *Political Fables* were passed about in manuscript at this time, and proved his dexterity in a kind of writing new to him and to Massachusetts literature. They were written to defend the new charter and his father. In the same way he warmly endorsed Phips, and his *Life* of that worthy is not only an admirable example of his skill as a biographer but also a political document calculated to undermine the vantage points held by Sir William's enemies. Increase Mather surpassed his son in skill and tact, and while he managed to keep the respect of many who differed with him politically, Cotton Mather's somewhat undisciplined enthusiasm in controversy secured him more than his share of bitter foes.

In his diary he recognizes this, but he seems inclined often to rejoice in what he believed was martyrdom. Religious issues seemed to him paramount, and it was his religious conservatism which kept him in politics. How could the authority of the clergy be maintained? How better than by creating "public sentiment" against new standards, by educating young men to follow old paths, by preaching orthodoxy, and, more practically, by doing all that could be done to determine who was to hold the governorship of Massachusetts? Minor officers were elected by the people, who might be reached from the pulpit and through the press. The governor was appointed by the King, and Mather saw that if he had friends at court he might influence his sovereign.

Weakness of Mather's Policy (1695–1715)

To Phips succeeded an acting governor, Stoughton, a Congregationalist whom the Mathers were usually willing to trust. Then came Bellomont, and both Mathers did what they could to win his favor. But behind the scenes there was always the arch-politician, Joseph Dudley, a man unpopular among political conservatives in Massachusetts because of his affiliations with Andros, and among religious conservatives because of his Anglicanism. With him Cotton Mather chose to play a dangerous game. Dudley, how sincerely one cannot tell, wrote to Mather a letter expressing remorse for his past errors, and Mather wrote at least once to a friend in England

urging that Dudley be made governor. Thus, when Dudley in 1702 came again to Massachusetts, he came as a man ostensibly supported by Cotton Mather. Such a union could not last. Mather misread Dudley, who sympathized with both the religious and the political anti-Matherians. Cotton Mather promptly discovered that Governor Dudley was a "wretch," and began to write to his London friends urging that a new chief executive be sent to the colony. His efforts availed little; Dudley remained in office till 1715, though on the several occasions when his "Toryism" or sharp political practise evoked protest, Cotton Mather was heard in the chorus of his foes. At least one pamphlet charging the governor with high crimes seems to have been by Mather, and appears to have been written at a time when its compiler was outwardly still professing good will toward Dudley.

Mather's career as a politician after 1700 may be briefly summed up. His policy was to curry favor with the governors so long as that was possible; and at the same time to keep before the eyes of the authorities in London the desires of the Congregational group to which he belonged. At the accession of Anne he took pains to cause the preparation of a congratulatory address to her; he did the same later for George I. From sympathizers and nonconformist ministers in England, with whom he corresponded constantly, he received timely advice as to the direction of the political wind, trimmed his sails accordingly, and through his informants tried to reach the ears of the powerful with his pleas for what seemed to him "good government" in Massachusetts.

The impression made by his dabbling in politics is not one of success. Nor does his activity in affairs of state exhibit his best side. Occasionally it seems as though personal vanity and ambition alone explained his course. He saw that as a politician he had won little but abuse, and his advice to young ministers in his *Manuductio* includes an interesting paragraph on the preacher in politics. "Nor will it be Wisdom in you," he declares, "to go any further in appearing for any *Government,* [*As the World now goes!*] than *Duty* calls you to it—If you do,—I can tell, *How you shall be Requited for it!* If any *Factions* arising in the *Commonwealth,* solicit your Imbarcation in them, keep close to the Business of your *Ministry,*

and say, *I am doing a great Work, so that I cannot come down,* . . . To be a *State-Martyr,*—'tis what I can't advise you to be ambitious of. I have nothing to say, for such a *Crown* of *Martyrdom.*" This was written in 1726, by which time Mather's political ideas had broadened considerably, and it proves at least that he had learned by experience.

Harvard and Yale

Closely allied to politics was Mather's relation to Harvard College. In 1701 his father was forced out of its presidency by the strength of his political opponents. Cotton Mather thereupon stopped attending meetings of the Corporation, so that in 1703 his place in that body was declared vacant, and a successor elected. Harvard came to be dominated by younger men, whose religious views were less in accord with the sectarian tradition of its founders. This meant that to Cotton Mather the college seemed to be on the straight road to perdition, and he exulted when good Congregationalists in Connecticut founded a new "school" there. This he regarded as the hope of orthodoxy, and to it he transferred much of the energetic support he had formerly given to his own *Alma Mater.* He schemed to get Elihu Yale, an East Indian merchant born in Boston, to contribute to the Connecticut college, pursuing a somewhat highhanded method in virtually committing the trustees to bestowing the name of Yale on the new institution. He tried, it is said, to induce Thomas Hollis to be generous to Yale as he had been to Harvard. Yet for all his interest in the new seat of learning, Mather longed to be President of Harvard.

His hopes had some encouragement. In 1703 the House of Representatives of the colony unanimously recommended that he be made President, but the Council refused to accept the suggestion. When Willard died in 1707, Mather again had visions of success, but received only one out of the eight votes cast to elect the new President. The chosen candidate, Leverett, disagreed with the Mathers on several issues. This was too much, and Cotton Mather wrote a letter to Dudley, not mentioning Harvard but berating the governor for shortcomings real and fancied. This was at least an offence against

decorum, and in the light of Mather's earlier flattery of Dudley lent color to the theory that he was ruled by anger at the defeat of his personal ambitions.

Part of his desire to become President of Harvard may have come from a sort of public spirit as well as from self-seeking. He was undoubtedly eager to save the college from the unorthodox. Probably his feelings were mixed; his vanity was wounded; his ambition thwarted; and his dream that Harvard might continue proof against invasion by certain new ideas which seemed to him false, or dangerous in their tendency, was unfulfilled.

Private Life and Last Years (1700–1728)

In some ways, clearly, Mather's public career in the last thirty years of his life seems one of failure. Out of this he drew bitterness, nor were his more private concerns without tragedy. His first wife died in 1702, after bearing nine children, of whom five died before her. Mather's second wife, Elizabeth Hubbard, died in 1713, and two years later he married again. His third wife tormented him with the vagaries of what seems to have been insanity. He saw eight of his children die in youth; and one of the surviving sons, whom he had named proudly for his own father, was a ne'er-do-well. He had three sisters largely dependent upon him, he had a fatherless nephew who needed his aid, and, in 1723, he underwent the greatest of his bereavements when his father died. If Cotton Mather's eccentricities of temper and his lack of balance require our forgiveness, perhaps a measure of it may be granted, for his trials were great enough to account for aberrations more serious than his.

But one should not think of his later life as made up of unrelieved gloom. His chief work was that of a minister in Boston, and in this, so far as one can tell, he was successful. He wrote and published much, and some of his books were well received; he interested himself in science and was recognized therefor; he corresponded with scholars in Europe and kept abreast of what he thought were the best books of the time, all the while adding to his own great library. His political defeats were not uppermost in the minds of the

1 d 9 m 1702.

Eph. I. 14. — Unto ye praise of His Glory.

This, This is ye Highest End of all! Behold ye Glorious Motto, wch the Blessed God writes upon all His Dispensations. and which we should write upon all that we are, upon all that we have, & upon all that we do! — We have before us, an Enumeration of the Benefits, wch which the God of Heaven favours us. And there are two most significant clauses, concerning those Benefits, wch ever now & then are introduced. First, We have that clause, In Christ, introduced Nine several Times. Many There is nothing that the Great God would have us more to Remember, than this Thing. Whatever be Forgotten, this must be had always in Remembrance; That we are beholden to ye L. J. C. for all ye Benefits of God. Whatever Blessings of Adoption, and Redemption, & Vocation, & Comfort, & Glory, are bestowed upon us, Bless ye L. J. C. O ye Souls, Bless that Holy Name of God, and, oh, Forget not, that they all are His Benefits, every one of ye all. Secondly, We have that clause, unto ye praise of His Glory, introduced Three Several Times. And ye Treble Repetition of that Clause may have something mysterious in it. You shall be immediately acquainted with the mystery. Only, you must be first informed, That by ye Glory of God, is meant, His Essential Glory. His Glory intends His perfections, and Excellencies; His infinite power, and Wisdom, and Goodness, and Holiness, and Immensity, and Immutability. By ye praise of His Glory, is meant, The manifestation of His Glorious perfections, & Excellencies, or ye Acknowledgment, which we do to make of His Glory. And now —

Doct.

The Glorious God, will have ye praise of His Glory, from all that He brings unto Glory.

I. The Glorious God, and Each of ye Three persons in the Glorious Godhead, expects to be glorified in ye praise of His chosen and saved people.

From the original in the Harvard College Library

Cotton Mather's Manuscript for a Sermon
Preached September 1, 1702

Fellows of the Royal Society of London when they asked him to join their number; in 1710 the University of Glasgow gave to him an honorary degree, and when he died, in 1728, sermons by Thomas Prince, Benjamin Colman, his erstwhile enemy, and others, celebrated his achievements. Colman said, "Love to *Christ* and his *Servant* commands me to draw a *Veil* over every *Failing*. For *who* is without them?" He devoted much space to Mather's learning, calling him: "The *first* in the whole *Province* and *Provinces* of *New England,* for universal Literature; and extensive Services. Yea it may be among all the *Fathers* in these *Churches,* from the beginning of the *Country* to this day, . . . none of them amass'd together so vast a *Treasure* of Learning, and made so much *use* of it, to a variety of pious Intentions." Such words, from a man who was at times both his adversary and rival, are not easily to be disposed of as empty adulation of the dead.

There is other evidence that even after disappointments and failures Mather was esteemed at home as well as abroad. In 1722, it appears, he was asked to become Rector, or President, of Yale. That college was then assailed by unorthodoxy, and its trustees turned to Mather. He refused to go to New Haven, but the invitation serves to correct some exaggerated views of his last years. In his diary are many comments on his abuse by his enemies and his "ill treatment" by his countrymen. In his printed writings there is denunciation of his antagonists, and their no less vituperative replies are not far to seek. Therefore it is easy to picture him as after 1701 wholly shorn of power and condemned to a sort of pariahdom in the circles in which his father, and to some extent he himself, had once led. Such a picture is distorted. Quite apart from the respect he commanded abroad, the loyal in his own church, one of the largest in New England, far outnumbered his critics; and in Congregational councils he was still more often than not a leader whose voice and pen expressed the views of his brethren.

A glance at his work as an author, his service as a minister, and his relation to the study of science, shows why his contemporaries were not so obsessed by his defects as to forget his virtues.

Cotton Mather, The Minister

It is hard to estimate fairly certain sides of Mather's work as a minister. When one asks: "Did he deny himself for his flock? Did he care for the poor and outcast? Was he loved by his people?" one puts queries which cannot now be answered except on the basis of incomplete evidence. He says himself that he gave much to charity and that he devoted many precious hours to aiding the afflicted by visits and prayers. For Boston negroes, perhaps then fairly to be called "poor and outcast," he tried to do much, as he did for seamen and for other classes of the community which were neither socially nor financially elect. There is little more to be said. The poor, even the plain men of the middle classes, those among whom his pastoral services, if any there were, must have been performed, have left few records of their lives and feelings; and the rare diaries and letters of theirs which are now accessible show, as do most similar documents of Puritan Massachusetts, a tendency either to suppress all that is personal or to speak of their pastors in terms of respect rather than of affection. The plain fact is that those by whom Mather was loved, if he was loved, those for whom he worked, if he did work for others, cannot now testify; we have only the formality of sermons, the billingsgate of his enemies, the prejudiced evidence of his diary, and, in general, the chilliness of public documents as opposed to more personal chronicles, by which to judge. We should not condemn a contemporary on such evidence. It is possible to paint Mather the minister as selfish, illiberal, austere, and unloved by his flock; but it is as possible and more moderate to say that the continued growth of his church, the general mourning at his death, and his reputation among his brethren in the pulpit, indicate that, if we had all the facts, he might seem more admirable than he now does to the historians who regard a manifestly incomplete set of records as sufficient for a verdict.

Mather was in theology a conservative; he did not originate new doctrines, and sought to establish no experimental Utopia in Eighteenth Century Boston. It is an exaggeration, however, to offer such an estimate as the whole truth, just as it is an exaggeration to speak of his having "not a grain of liberalism

in his make-up." Many men essentially conservative have managed a bit of liberalism at times; monsters of complete reaction are rare in every age.

Tolerance

Mather's views on tolerance show that like most men he had merits as well as faults. He believed that Congregationalism as it had developed and was developing in Massachusetts was of all sects the best. Therefore, wherever questions of doctrine or polity are discussed, he appears on the side of orthodox Congregationalism of the somewhat Presbyterianized variety, and is vigorous in decrying all deviations from it. But to argue from this that he was intolerant is to define intolerance too narrowly. One may be a good Baptist, and eager to have Baptists politically powerful, without wishing to deny to members of other denominations the right to worship as they like or trying to harry them out of existence. Year by year Mather increased in willingness to extend to other sects the same rights and privileges that he demanded for his own, and even at his most vituperative he does not plead for persecution of anyone on religious grounds. To Unitarians, Catholics, and, perhaps, Quakers, he felt that no compromise could be offered, but toward the rest he became more liberal day by day. In the *Magnalia* he censured the Quaker persecutions conducted by his ancestors in Boston. In 1699 when the Brattle Street Church was established, on a platform of which he disapproved, he consented to preach and pray at the opening of the new meeting-house, and it was he who drew up a conciliatory address from the more conservative congregations. Later, in a sermon, he publicly asserted his disapproval of persecution; and in 1718 he preached at the ordination of a Baptist minister. In all this was at the very least open-mindedness toward some things that were new.

Cotton Mather was as far as a man well could be from being a Roger Williams, but in one detail he is not unlike the Williams who governed in accordance with his ideal of liberty of conscience but permitted himself to denounce the Quakers in terms worthy of the most bigoted. Mather, too, made a sharp and useful distinction between tolerant speech or toler-

ant writing and tolerance so far as actual punitive measures against dissentients were concerned.

Nor was he afraid to express publicly his more tolerant views. In his *Manuductio* published two years before his death he says: "I Declare . . for a Christian Encouragement in the *Church* for all that observe the Grand MAXIMS of PIETY." These maxims, he explains, demand faith in God, in Christ the Redeemer, and love of one's neighbor. With them he links, as desirable but not essential, belief in the Bible as a sufficient rule for life. He then declares that "free *Indulgence* of *Civil Rights* in the *State*" should be granted "unto all that approve themselves Faithful *Subjects* and Honest *Neighbours,* and such Inoffensive Livers, that *Humane Society* cannot complain of Disturbance from them." "For *Communion* in these Churches, and *Admission* to all the Priviledges and Advantages of the *Evangelical Church-State,* I would have you insist upon it, That no *Terms* be imposed, but such *Necessary Things,* as Heaven will require of all." This, it may be said, is like many pronouncements which are capable of being narrowed in practice by a prejudiced interpretation, but Mather is fortunately explicit as to his own meaning, pleading that his readers "let the *Table* of the Lord have no *Rails* about it, that shall hinder a Godly *Independent,* and *Presbyterian,* and *Episcopalian,* and *Antipedobaptist,* and *Lutheran,* from sitting down together there." Nor was Mather preaching what he did not practice.

In number 422 of the *Flying-Post,* for May 14-16, 1719, is printed a letter from him, dated November 4, 1718, in which he asserts: "No Church upon Earth at this Day so notably makes the Terms of *Communion* run parallel with the Terms of *Salvation,* as they are made among" New Englanders; and he says specifically that in Massachusetts, Calvinists, Lutherans, Presbyterians, Episcopalians, and Baptists "do with delight sit down together at the same Table of the Lord." In the *Manuductio* he says he has seen just this "grateful Spectacle" in his own church. He must have told the truth; refutation would have been too easy had be lied. All this relieves somewhat the darkness of his religious conservatism, for his boast of the opening of communion in Congregational churches to

men of the other creeds he mentions, would have horrified most earlier Puritans of Boston.

Liberality

He showed the same progress toward liberal ideas in another phase of his ministerial work. He became interested in the English societies organized to promote morality, and seized eagerly upon the method as one applicable to colonial needs. He proposed many such societies for Boston, and brought some of them into being. One may agree with Sibley, who says that in Mather's activities "we see the germs, and in some cases the fruits, of many of the modern religious and benevolent societies." Earlier New England knew little of this. For it the meeting-houses sufficed. In Mather's day lessened interest in the churches as such, made it necessary to work for the public morality and welfare by other means, and he was quick to discover how similar problems had been met elsewhere and to use the same remedies in Massachusetts. Indeed, the farther one goes in Mather's life the more one finds him emphasizing practical piety, relatively non-sectarian, as the chief good to be sought. Look over the long list of titles of his books and sermons, read a few pages from his later writings, and compare the impression thus gained with that derived from a similar survey of the works of most of the earlier Puritans on these shores.

The result is a sense that Mather came to rely less on the church itself, less on creed, and less on the shibboleths of a sect, than upon what may fairly be called an appeal to Christians of various stripes, united by a belief in the cardinal tenets of the faith and by a common desire to put into effect as perfectly as might be in an errant world what were then understood as the teachings of Christ. His sympathy with German pietism points, like many another straw, in the same direction. For all his conservatism he was able to take a broader and more humane view of the function of religious teachings than had been achieved by his forbears.

Finally it appears that he was not always a strict Calvinist, blinded by Calvinism to all else. His *Christian Philosopher,* printed in 1721, is, according to Professor Riley, " a rejection

of deism in name" but "an acceptance of it in principle"; and may be regarded "under that phrase of deistic development which was stimulated by the growing interest in the external world." And the same critic remarks: "In its sense of the beautiful and its cheerful outlook upon the world" it "was strangely at variance with the Puritanic spirit as ordinarily conceived."

Mather "sounded a note that did not die; the book with its scientific arguments for design fell flat, but its æsthetic element lived on; it anticipated by a century the transcendentalists' love of nature for its own sake." Professor Riley points out, too, that Mather's *Reasonable Religion* is a representative work marking "the desire for a change from a gloomy theology to a cheering theodicy, from the doctrine of inscrutable decrees to the belief in rational purpose and benevolent design in the universe." Mather, then, was on occasion at least not merely the conservative, but a pioneer in expressing a line of thought new to his more orthodox contemporaries in the colonies. The ideas which seem to be faint stirrings of a desire to enlarge the bounds imposed by Calvinism are not original with Mather. They were discovered by him in English books, but he was almost alone in giving them circulation before 1728 in New England. They would have left John Cotton or Richard Mather cold—unless they had provoked irate attempts at refutation—but Cotton Mather saw good in them. That he did, testifies that his love of the past and his conservatism were not such as to make him look always backward.

Mather the Writer

Mather published some four hundred and fifty books. A few of these contained occasional poems. Many were sermons, often full of expert if old-fashioned rhetoric and dotted with vivid phrases which account in part for his great popularity as a preacher. Still others of his writings are mere compilations, of which he was editor rather than author. Many hold no interest, probably, for anyone to-day; others offer here and there passages of historical or literary value. Mather could write well. Barrett Wendell placed the *Magnalia* "among the great works of English literature in the Seventeenth Century."

He could sketch character, and even in eulogies bring out the small traits needed to give the effect of individuality. His wit is out of tune with present taste, but was none the less wit by the literary criteria of his time. He loved words and good phrases; his ear caught the difference between a well-turned sentence and a mere string of nouns and verbs; he knew how to mould a paragraph and how to construct a sermon. Mather the stylist has much to commend him to those whose appreciation of good things in books is truly catholic.

The *Magnalia Christi Americana* was his most elaborate published work, and is the only one now generally known. It was an attempt to write the "Church-History of New England"—to tell the tale of this part of the New World with special reference to its religious institutions. It has many faults. It lacks form, and is a collection of biographies, historical fragments, and undigested debate, rather than a finished book. But it is precious to the historian and antiquarian; and for the lover of literary oddities and the amateur of *belles lettres* it is often a source of joy. It is sprinkled with errors, but it must always be remembered that neither Mather nor any one qualified to do so was allowed by the printer to correct the proof, so that the book as we have it contains not only all the slips made by the author but also all those contributed by the printer and his devils.

The famous *Essays to Do Good,* a book by which Franklin was impressed, became popular because it taught essentially not theology but Christian morality. Its method, the direction of specific counsels to members of various classes and professions in the community, shows how practical was its purpose. In this is a clue to Mather's position as a man of letters. He had ability; he had a partially developed literary sense; but for him books were first of all the means of doing his work as parson and missionary. If he could gratify his taste for artistic expression in them, so much the better, but this was secondary. A desire to teach, to serve wholly practical ends, is not usually the spirit which produces the greatest works of pure literature. Had he realized this—and perhaps he did—Mather would probably not have altered his attitude toward his writing. To be an artist was good; to be an active agent in spreading the truth, measured in terms of Congregational

Christianity, was better. Mather the *littérateur* stood always in the shadow of Mather the teacher and moralist.

As man of letters Mather has real claims to be remembered, however. He was not, for all the faults which came from hasty composition and too insecure literary standards, a mere scribbler. He wrote on a wide range of subjects, though most of them come under the broad headings of theology, science, or history. If he was often a compiler of what had been written before by others, he was also one whose sure touch in many pages gave to old material new picturesqueness. And, here and there, his enthusiasm burned through into brilliance of style.

Mather the Scholar

The hand of the scholar is apparent in much of Mather's writing. He has been called pedantic because he loads his pages with allusions, quotations, tags of Latin, Greek, and even Hebrew. In some pages all these were taken from some one book which at the moment he chose to follow, but wholesale accusations on this score are unjust. However much he took from others, he proved that his own mind was well stocked and could give him material for most of his more learned—or "pedantic"—passages.

Other evidence than his books proves how wide was his reading. Thomas Prince, himself a scholar and book collector, sketches Mather as a man who read all he could lay his hands on. An amazingly large part of his days he spent in his study. His library and his father's formed a private collection unrivalled in the Northern colonies at the time. He trained himself in languages. Greek, Latin, and Hebrew he read; he wrote a pamphlet in French and one in Spanish. Even his enemies did not deny his learning. His book-lined study with its "Be Short" above the door, must have seemed to many a sort of scholarly shrine, and Benjamin Franklin long remembered the glimpse he had of it as a boy.

Mather's reading led him into many fields. It would be a dreary task to epitomize even a considerable part of it, but, in one volume, his *Manuductio ad Ministerium,* 1726, he outlined what seemed to him the fundamentals for the preparation of a scholar for the work of the ministry. The book is

Magnalia Christi Americana:

OR, THE

Ecclesiastical History

OF

NEW-ENGLAND,

FROM

Its First Planting in the Year 1620. unto the Year of our LORD, 1698.

In Seven BOOKS.

I. Antiquities: In Seven Chapters. With an Appendix.

II. Containing the Lives of the Governours, and Names of the Magistrates of *New-England*: In Thirteen Chapters. With an Appendix.

III. The Lives of Sixty Famous Divines, by whose Ministry the Churches of *New-England* have been Planted and Continued.

IV. An Account of the University of *Cambridge* in *New-England*; in Two Parts. The First contains the Laws, the Benefactors, and Vicissitudes of *Harvard College*; with Remarks upon it. The Second Part contains the Lives of some Eminent Persons Educated in it.

V. Acts and Monuments of the Faith and Order in the Churches of *New-England*, passed in their Synods; with Historical Remarks upon those Venerable Assemblies; and a great Variety of Church-Cases occurring, and resolved by the Synods of those Churches: In Four Parts.

VI. A Faithful Record of many Illustrious, Wonderful Providences, both of Mercies and Judgments, on divers Persons in *New-England*: In Eight Chapters.

VII. *The Wars of the Lord.* Being an History of the Manifold Afflictions and Disturbances of the Churches in *New-England*, from their Various Adversaries, and the Wonderful Methods and Mercies of God in their Deliverance: In Six Chapters: To which is subjoined, An Appendix of Remarkable Occurrences which *New-England* had in the Wars with the *Indian* Salvages, from the Year 1688, to the Year 1698.

By the Reverend and Learned *COTTON MATHER*, M. A. And Pastor of the North Church in *Boston*, *New-England*.

LONDON:

Printed for *Thomas Parkhurst*, at the *Bible* and *Three Crowns* in *Cheapside*. MDCCII.

From the First Edition in the Harvard College Library

TITLE PAGE OF COTTON MATHER'S *Magnalia*

designedly elementary, and in no way represents the range of its author's knowledge, but it does give an idea of what he considered to be scholarly training and a sound equipment for usefulness in his profession.

He urges the study of languages, mentioning especially Latin, Greek, Hebrew, Syriac, and, less important, French. He has little to say for the study of formal logic; "for some Reasons" he "would be excused from Recommending" Locke's *Essay on Human Understanding;* he is lukewarm about metaphysics; and he feels that ethics, as usually studied, pays too little attention to Christ. Particularly interesting is his enthusiastic endorsement of science, which he believes candidates for the ministry should study more than was then customary. He lauds Newton and declares that only experimental science is valid. Mathematics, too, he believes to be useful, since it develops concentration and makes "Strong Reasoners" and "very Regular and Cohærent *Speakers.*" In discussing astronomy he goes beyond some divines of the period in his complete rejection of the old attitude toward eclipses and comets, asserting that to regard them as heavenly portents of earthly changes is mere superstition. Geography he recommends, and, of course, history, which, he thinks, should be read with constant reflection upon God's power as revealed in past events.

In studying history one must always "believe with Discretion." He enforces this counsel by citing certain books which are dangerously full of errors—Eachard's English history, for example, which he classes with romances like "The *Grand Cyrus,* or, *Cleopatra.*" Clarendon's great narrative of the English Civil War is also for Mather little better than fiction. Evidently he bases his opinion on a quite natural prejudice against a historian loyal to the Stuarts. Similar in spirit is his rule of thumb for testing histories. If in any such book, he propounds, "you happen to find any Vindicating or Favourable Passages of old A. Bishop *Laud,* Let these . . . do the Office which the *Rattle* does for the *Serpent*" in America.

He is comparatively uninterested in the fine arts; but he recommends some knowledge of poetry and some practice in writing it. But for the scholar it should always be, he feels, a sauce rather than a food. "Beware of a *Boundless* and *Sickly* Appetite, for the Reading of the Poems, which now the

Rickety Nation swarms withal," he cries; and he is equally critical of "most of the Modern *Plays.*" He does not condemn all plays, however, nor even all modern plays. He had progressed beyond any wholesale dislike for the drama. He denounces current romances, novels, and fictions, which seem to him venemous, and explodes with: "How much I do wish that such Pestilences, and indeed all those worse than *Egyptian Toads* [the Spawns of a *Butler,* & a *Brown,* and a *Ward,* and a Company *whose Name is Legion!*] might never crawl into your Chamber!" A more active sense of humor might have saved him from such detestation of the author of the delightful *Hudibras,* but it is easy to sympathize with his dislike for the coarseness of Tom Brown and Ned Ward, though the poet of the time whom he chooses to praise, Blackmore, has now even fewer readers than they.

He shows his literary taste in other passages. Thomas Fuller's *Pisgah Sight of Palestine* he praises above other books on its subject, because it can be read "with a *Pleasure* equal to the *Profit.*" He recommends Walton's *Lives* and Fuller's *Worthies of England.* He shows a critical standard in pointing out that Samuel Clark, a tireless compiler of biographies of famous men, was but a "Dull and *Lifeless*" transcriber.

Much of the *Manuductio* is archaic in flavor, but now and then its comments seem broader and more modern than what one finds in the pages of Mather's Puritan contemporaries in this country. Old prejudices survive, but they are balanced by a new tolerance; he prefers books written by Calvinists, but he praises many by Anglicans and Jesuits. He finds a special word of commendation for Thomas à Kempis's *Imitation of Christ,* the publication of which had been forbidden years before in Massachusetts. Throughout the book he pleads against controversy and for moderation. Physical exercise, especially horse-back riding, he prescribes for scholars. Beer and wines and water should be their beverages; preferably they should not smoke. His ideal is not that of a recluse. "Be *Sociable,*" he advises, "but let it be chiefly with such as are your *Superiors,* your *Familiarity* with whom, will be Reputable and Serviceable to you."

Mather, the scholar, is only partly revealed in the *Manuductio,* but it shows the foundation upon which he believed

a minister's learning must be built, and it displays his reverence and love for books and the pursuit of knowledge. Out of this reverence and love came his own achievement as a scholar —an achievement praised even by his enemies and once recognized far beyond the limits of provincial Boston.

The Scientific Student

Mather's fame was occasioned in part by his books and in part by his ministerial career, but it could hardly have reached the pitch it did had he been celebrated only as an author and divine. The long list of his correspondents contains the names of several scientists, in whose eyes he was no credulous bigot but a minor ally in the great task of perfecting man's knowledge of the physical universe.

It is true that what was science to Mather often seems to us like credulity run riot. So, no doubt, will much of our science seem ridiculous to our descendants, for the advance of learning tends always to discredit what was once unchallenged truth. The only fair test by which to judge Mather's position as a student of science is a comparison of him with the recognized natural philosophers of his day. In England the Royal Society, and elsewhere similar organizations, met to discuss current observations and discoveries, and many of their proceedings were printed. These, read with Mather's scientific communications, written during the same years, show him to have been no more credulous than most of the better known men of science of his time, many of whose names we still respect as those of pioneers who blazed important trails. By our standards he erred, and so did the Royal Society in regarding him as an accurate and wise investigator, but our criteria have no validity in determining the position in his own world of a would-be scientist who flourished two centuries ago.

Medicine

Mather's scientific writings are too voluminous to be treated fairly in brief compass. Fortunately, however, one chapter in his life comprising the tale of his courageous advocacy of variolous inoculation for smallpox, shows both his interest in

science and the relatively advanced position among his countrymen given him by the intelligence of this interest.

In 1721 an epidemic of smallpox broke out in Boston. Five years earlier Mather had read of the practice of inoculation, and since then he had given thought to it, collecting such testimony as he could and convincing himself that should smallpox come to Boston it would be his duty to try to encourage the use of what he believed was a valuable safeguard against its ravages. In 1721, therefore, he resolved to do all that he could to further inoculation. The medical men were more conservative, and his pleas were little heeded. There was one shining exception in Dr. Zabdiel Boylston, who proceeded to inoculate his own son and two of his slaves.

Almost at once inoculation became not merely a subject of scientific debate but a source of intense popular excitement. Most of this was in opposition to Boylston and Mather. Other doctors told dire tales of the results of inoculation, and the Selectmen helped to circulate their views. Chief among the foes of the new practice was Dr. William Douglass, who, beginning by admitting that Mather, although mistaken, acted from charitable motives, speedily became so irritated by the replies of the advocates of inoculation that he angrily denounced the preacher as credulous and worse. With Boylston were arrayed not only Cotton Mather but his father, and several other divines. Many of their cloth, none the less, took the opposite view and encouraged the cry that inoculation violated directly God's laws for man. To their protests were added those of the physicians. Out of it all came a wordy war of pamphlets and newspaper squibs, the ferocity of which reflects the depth of popular interest in the issue.

Political prejudices complicated matters, and Mather was denounced not only by those who wished to prevent inoculation but also by those who saw in the debate a chance to make suspect his political and religious opinions by worsting him in a medical controversy. And, just as, long before 1721, insinuations as to Mather's connection with the witchcraft prosecution had been useful political ammunition, so now Douglass, who did not come to New England until many years after the last of the Salem witches died and knew nothing directly of the events of 1692, made large use of comparisons between

Mather's supposed credulity in respect to diabolical possession and his "credulity" about inoculation. Mather was actually more credulous in 1721 than in 1692. In the latter year, to believe in witches and their punishment was orthodox, and bespoke no more credulity than was common to most professional men in England and the colonies. In 1721 inoculation was so new as to be by no means generally sanctioned, and Mather's urging of it shows that like many greater men he was not afraid to appear "credulous" in order to follow enlightened doctrine. A bomb hurled through the window of his house did not intimidate him, and vilification left him undaunted. He had the satisfaction of knowing that Boylston was putting his ideas into practice, and that the results proved him right. Before Mather's death the value of inoculation was patent, and his opponents were refuted. Nothing could have tickled his vanity more; nothing could have illustrated better the justice of his belief that an intelligent minister might work for his people with material as well as spiritual weapons, and show his care as well for their bodies as their souls.

The episode of 1721 represents real experimental pioneering by New Englanders, and it was made possible by the clear sight and courage of a group of Massachusetts men, led by certain ministers and by Boylston, who had to contend with most of the local physicians, the Boston authorities, and the populace in general. And, whenever the clergy are given credit in the affair, a double tribute should go to Cotton Mather. His knowledge stimulated Boylston to try inoculation, and his writings in 1721 were forceful enough to give sorely needed support to those who were trying bravely to effect a medical reform in the face of professional ignorance and popular superstition.

The Man of His Time

To some critics Cotton Mather has seemed simply the exponent of superstitious views on witchcraft. To others he is no more than the embodiment of zeal for an outworn religious order. One may confine attention to selected documents and think of him solely as a politician; by choosing other sources one can even find materials for suspicions of his personal morality or his probity—at least, his wisdom—in money

matters. No one can fairly be judged thus. All the evidence, not part of it, should be the basis of any evaluation of his character and work; but, unfortunately, the problem of securing complete information as to him is grievously complicated. He died two hundred years ago, and essential documents have perished. The number of his books discourages anyone from trying to read them all; and even his printed diary (elsewhere discussed as a contribution to Massachusetts literature) must be read as a one-sided view.

Yet, if certain cardinal facts are recognized, even an incomplete body of material such as is presented here may suffice for an estimate of him less distorted than those in which he appears either as saint or fiend; as true Christian or bigoted fanatic; as sly political schemer or inspired champion of a cause so noble as to sanctify its every defender. It is necessary to remember that he was but human, that he had faults as well as virtues, and, what is less obvious, that his nature was not static. To sum him up on the basis of what is revealed in the *Magnalia* is to judge him as he was in 1697, without regard for his later development. The witchcraft excitement was over when he was thirty, and his relation to it gives no light on the later years of his life. He was a conservative, but he followed new paths now and then; his expression of tolerant views grew franker with advancing years. His interest in science also increased, as did the breadth of his scholarship. His interest as a historical figure lies chiefly in his combination of old ideas and new, and, therefore, in his representative quality as a type of the transition period in which he lived.

When he is called a representative figure there must always be qualifications. There was no one quite like him. In him were exaggerated the religious ardors and the introspection common to earlier Puritans and the conservatives of his own generation; there were exaggerations of current tendencies in more than one side of his life and thought.

Exaggeration is the essence of caricature and it is easier to display aspects of him by caricature than by sober depiction. He had grave faults—a hot temper, and ambition so revealed as to make it hard to separate his personal desires from what seemed to him to be zeal for the public good. His missionary zeal too often ruled out a "live and let live"

policy toward his neighbors. His love of learning betrayed him into what seems at times to be pedantry. But it may be said for him that there is in the typical manifestations of "saintliness" something which, as William James pointed out, tends to make the gorge of the plain man rise, and possibly some sides of Cotton Mather repel us only because of this common instinct. Pedantry eludes definition, and things to which we give the name were not always disparaged when Mather was alive. Missionary zeal is always liable to misjudgment. Strong convictions make for controversial bitterness still, but we endure warrings about matters which are for the moment important more easily than disputations on topics which are shorn of the significance which once drew men to them. Some at least of Mather's unlovely characteristics seem unlovely to-day simply because our background is not his. Had we lived in his day his ideals would have seemed to us truer than they ever can again.

When all is said in his behalf there still seems to be something unhealthy in certain sides of his nature. Nervous instability is written large in his career. Some of his throes in his spiritual transports suggest rather the man convinced that by right of birth he was destined to sainthood or, at least, priesthood, and therefore too eager in encouraging in himself the symptoms of which he had read in scanning the lives of past saints, than the sincere zealot freed of mindfulness of self by the force of religious emotion. The problem of understanding Mather involves not only the necessity of knowing his words and deeds but also the need of appreciating fully the tangles of his psychological constitution.

Until we have completer studies upon which to base a verdict it is perhaps more just to reserve decision as to the complete reading of his nature than to force him into some Procrustean category of modern psychological theory. Similarly it may be admitted that it is not easy to translate him into Twentieth Century terms, and that some misinterpretation of him is an evil thus far without remedy. If one believes that there have been and will be again things undreamed of in our philosophy, one need not sigh too deeply while confessing an inability fully to comprehend Mather's weakness and strength.

Mather's Place in Massachusetts History

There are, however, some things safely to be said of Mather's place in the panorama of Massachusetts history. His life and writings show the narrowness of New England Puritanism when its pristine force had run out and it was expressing itself in hollow forms and in reverence for the past simply because it was the past. They show, too, the increasing tolerance of a newer day, the new zest for science, the new tendency to express religion less in terms of creed and polity than in practical ideals for morality and conduct. They reveal an intellectual drawing closer of the colonies to European ideas and progress. They display the effect of some new theories, especially scientific, upon Calvinistic dogma. They hint of a new feeling for external nature demanding expression of colonial writers. They expose in at least one man a literary standard, false perhaps or incomplete, but none the less critical. And, in the inoculation episode, there is an example of how the traditional reverence of the Massachusetts clergy for learning and their belief in their own intellectual leadership of the people came in a day of new doctrines to bear good fruit. In and of his time Cotton Mather, for all his defeated political aspirations and in spite of his failure to preserve for the clergy their old power, kept a great name to the end. Neither his enemies nor his errors prevented his being offered honors by Yale and by the Royal Society. The opposition of the people and most of the Boston physicians was powerless to prove him wrong in 1721. In the eyes of his contemporaries many elements in him which we cannot appreciate to-day—his skill as a preacher and a conversationalist, for example—weighed down the scales in his favor. In him as in his times there were mingled conservatism and liberality, close-mindedness and intellectual curiosity. New England was not dormant in the early Eighteenth Century. There were both orthodoxy and heresy, antiquated dogmas and new faiths, and out of the conflict rises the figure of Cotton Mather. He may now be a mysterious shade, but in his earthly pilgrimage he illustrated many of the mistakes, struggles, and steps toward progress, which brought drama to the little world in which he lived and dreamed.

SELECT BIBLIOGRAPHY

(A complete list of the writings of Cotton Mather would take more space than can be allowed here. Only those of his works which are quoted or referred to in the text are included in this bibliography. Of the numerous articles dealing with aspects of his life and work, only those which bear most directly on the topics discussed in this chapter are given below.)

CALEF, ROBERT.—*More Wonders of the Invisible World* (London, Nath. Hiller, 1700)—See also DRAKE, SAMUEL G., below. Calef's book is the basis of most later attacks upon Mather's relation to the witchcraft excitement.

COLMAN, BENJAMIN.—*The Holy Walk and Glorious Translation of Blessed Enoch. A Sermon preached Two Days after the Death of . . . Cotton Mather* (Boston, J. Phillips, and T. Hancock, 1728).

DEXTER, HENRY M.—"The Mather Family and its Influence" (Justin Winsor, *Memorial History of Boston,* 4 vols., Boston, Osgood, 1885-1886). —See Vol. II, chap. IX.

DRAKE, SAMUEL GARDNER.—*The Witchcraft Delusion in New England* (3 vols., Woodward, Roxbury, 1866)—Contains an introduction and notes by Drake, and reprints of Cotton Mather's *Wonders of the Invisible World* and Robert Calef's *More Wonders of the Invisible World.*

FRANCKE, KUNO.—"The Beginning of Cotton Mather's Correspondence with August Hermann Francke" *(Philological Quarterly,* 1926, Vol. V, pp. 193-195).

FRANCKE, KUNO.—"Cotton Mather and August Hermann Francke" *(Studies and Notes in Philology and Literature,* Vol. V, pp. 57-67, Boston, Ginn, 1896).

FRANCKE, KUNO.—"Further Documents Concerning Cotton Mather and August Hermann Francke" *(Americana Germanica,* 1897, Vol. I, No. 4, 31-66)—This article and the two preceding deal with Mather's relations with one of the European scholars with whom he kept in touch.

GEE, JOSHUA.—*Israel's Mourning for Aaron's Death. A Sermon Preached on the Lord's Day After the Death of Cotton Mather* (Boston, S. Gerrish, 1726).

GREENOUGH, CHESTER N.—"A Letter Relating to the Publication of Cotton Mather's Magnalia" (Colonial Society of Massachusetts, *Publications,* Vol. XXVI, pp. 296-312, 1927)—Valuable material on the conditions under which the *Magnalia* was printed, on the title chosen for it, and on Mather's interest in a congratulatory address to Queen Anne.

HARVARD COLLEGE.—*Records 1636-1750* (2 vols., Colonial Society of Mass., *Publications,* Vols. XV-XVI, Boston, 1925)—Introduction and notes by Albert Matthews.

HOLMES, THOMAS J.—"Cotton Mather and His Writings on Witchcraft" (Bibliographical Society of America, *Papers,* 1924, Vol. XVIII, pp. 31-59, Chicago, 1924).

HOLMES, THOMAS J.—*The Mather Literature* (Privately printed, Cleveland, 1927)—A brief treatment of the writings of the Mather family in relation to their time, of the collections of Matheriana in libraries, and especially of Mr. William G. Mather's collection. Chapter VIII deals with Cotton Mather.

HOLMES, THOMAS J.—"The Surreptitious Printing of One of Cotton Mather's Manuscripts" *(Bibliographical Essays: A Tribute to Wilberforce Eames,* Cambridge, Harvard Univ. Press, 1924)—Edited by G. P. Winship. See pp. 149-160.

KITTREDGE, GEORGE L.—"Cotton Mather's Election into the Royal Society" (Colonial Society of Massachusetts, *Publications,* Vol. XIV, pp. 81-114, Boston, 1913).

KITTRIDGE, GEORGE L.—"Cotton Mather's Scientific Communications to the Royal Society" (American Antiquarian Society, *Proceedings,* New Series, Vol. XXVI, pp. 18-57, Worcester, 1916).

KITTREDGE, GEORGE L.—"Further Notes on Cotton Mather and the Royal Society" (Colonial Society of Massachusetts, *Publications,* Vol. XIV, pp. 281-292, Boston, 1913).

KITTREDGE, GEORGE L.—"Notes on Witchcraft" (Am. Antiquarian Society, *Proceedings,* New Series, Vol. XVIII, pp. 148-212, Worcester, 1907)—Excellent discussion of the belief in witchcraft as it existed in Mather's time and manifested itself in New England.

KITTREDGE, GEORGE L.—"Some Lost Works of Cotton Mather" (Mass. Historical Society, *Proceedings,* Vol. XLV, pp. 418-479, Boston, 1912)—A study of some of Mather's writings on inoculation, with much valuable material on the controversy about it.

LINCOLN, CHARLES HENRY, editor.—*Narratives of the Indian Wars, 1675-1699* (N. Y., Scribner's, 1913)—Contains Mather's *Decennium Luctuosum.*

MARVIN, ABIJAH P.—*The Life and Times of Cotton Mather* (Boston, Congregational Sunday-school and Publishing Society, 1892)—A long biography.

MATHER, COTTON.—*Bonifacius* (Boston, Samuel Gerrish, 1710)—Under the title of *Essays to do Good* this has been reprinted often.

MATHER, COTTON.—*The Christian Philosopher* (London, Eman. Matthews, 1721).

MATHER, COTTON.—*The Declaration of the Gentlemen, Merchants, and Inhabitants of Boston* (Boston, 1689)—Published anonymously, but ascribed by Governor Hutchinson to Cotton Mather. Reprinted in *Andros Tracts* (Boston, Prince Society, 1868-1874, Vol. I, pp. 1-19).

MATHER, COTTON.—*Diary* (2 vols., Mass. Historical Society, *Collections,* Seventh Series, Vols. VII-VIII, Boston, 1911-1912)—Edited by W. C. Ford.

MATHER, COTTON.—"Letter" *(Flying-Post from Paris and Amsterdam,* London, J. Salisbury, 1695-1731)—An edition abridged by D. Jennings appeared in Philadelphia in 1827 and 1829. See No. 422, May 14-16, 1719.

MATHER, COTTON.—*Magnalia Christi Americana* (London, Thomas Parkhurst, 1702)—First American edition, 2 vols., Hartford, Roberts & Burr, 1820; also later editions.

MATHER, COTTON.—*Manuductio ad Ministerium* (Boston, Thomas Hancock, 1726).

MATHER, COTTON.—*Memorable Providences Relating to Witchcrafts and Possessions* (Boston, Joseph Brunning, 1689).

MATHER, COTTON.—*A Memorial of the Present Deplorable State of New-England* (Boston, 1707. Reprinted in Mass. Historical Society, *Collections,* Series 5, Vol. VI, pp. 33-64)—An attack on Dudley, probably written by Mather, or at least inspired by him.

MATHER, COTTON.—"Political Fables" *(Andros Tracts,* 3 vols., Boston, Prince Society, 1868-1874)—See Vol. II, pp. 325-332. Also reprinted in Mass. Historical Society, *Collections,* Third Series, Vol. I, pp. 126-133. See also MATHER, COTTON, *Selections.* Anonymously published, but safely ascribed to Mather.

MATHER, COTTON.—*Ratio Disciplinæ Fratrum Nov-Anglorum* (Boston, S. Gerrish, 1726)—A most useful account of the Congregational polity which Mather advocated.

MATHER, COTTON.—*Reasonable Religion* (Boston, Benjamin Eliot, 1700).

MATHER, COTTON.—*Selections from Cotton Mather* (N. Y., Harcourt, Brace, 1926)—Edited by Kenneth B. Murdock; and contains an introduction on Mather as a scholar and man of letters, and on his *Magnalia, Political Fables, Christian Philosopher,* and his scientific communications. Includes also a reprint of the "General Introduction" and Book II of the *Magnalia,* of the "Introduction" and Parts 23-26 and a portion of Part 32 of the *Christian Philosopher,* of the *Political Fables,* and of one of his scientific letters.

MATHER, COTTON.—*The Wonders of the Invisible World* (Boston, Sam. Phillips, 1693; reprinted in 2 vols., Hartford, S. Andrus & Son, 1853) —See also, above, DRAKE.

MATHER, INCREASE.—*Several Reasons Proving that Inoculating or Transplanting the Small Pox, is a Lawful Practice* (Boston, J. Edwards, 1721)—Privately reprinted, Cleveland, 1921; with an introduction by G. L. Kittredge; contains Cotton Mather's *Sentiments on the Small Pox inoculated.*

MATHER, SAMUEL.—*The Departure and Character of Elijah Considered and Improved* (Boston, S. Gerrish, 1728)—A funeral sermon on Cotton Mather by his son.

MATHER, SAMUEL.—*The Life of the Very Reverend and Learned Cotton Mather* (Boston, Samuel Gerrish, 1729).

MURDOCK, KENNETH B.—"Cotton Mather and the Rectorship of Yale College" (Colonial Society of Massachusetts, *Publications,* Vol. XXVI, pp. 388-401, Boston, 1927)—Contains the evidence that Mather was offered the rectorship of Yale.

MURDOCK, KENNETH B.—*Increase Mather; the foremost American Puritan* (Cambridge, Harvard Univ. Press, 1925)—Chaps. XIII-XV deal with the relation of the Mathers to politics, and chap. XVI treats of New England witchcraft.

NORDELL, PHILIP G.—"Cotton Mather in Love" *(Harper's Magazine,* Vol. CLIII, pp. 566-572, 1926)—An article on Cotton Mather and his family relationships, interesting as a modern and sympathetic presentation of the subject.

PEABODY, WILLIAM B. O.—"Life of Cotton Mather" (Jared Sparks, *Library of American Biography,* 10 vols., Boston, Hilliard, Gray, 1839)—See Vol. VI, pp. 163-350.

POOLE, WILLIAM FREDERICK.—"Cotton Mather and Salem Witchcraft" *(North Am. Review,* 1869, Vol. CVIII, pp. 337-397)—A reply to Upham's attacks on Mather's relation to the witchcraft excitement.

QUINCY, JOSIAH.—*The History of Harvard University* (2 vols., Cambridge, John Owen, 1840).

QUINT, ALONZO H.—"Cotton Mather" *(Congregational Quarterly,* 1859, Vol. I, pp. 233-264)—Eulogy of Mather, with valuable material on his work as a minister.

RILEY, ISAAC W.—*American Philosophy, the Early Schools* (N. Y., Dodd, Mead, 1907).

ROBBINS, CHANDLER.—*A History of the Second Church, or Old North, in Boston* (Published by a Committee of the Society, Boston, 1852)—See pp. 67-115 for a sketch of Mather, and an estimate of his character.

SIBLEY, JOHN L.—*Biographical Sketches of Graduates of Harvard University* (3 vols., Cambridge, Sever, 1873-1885)—See Vol. III, pp. 6-158, for an excellent brief biography of Mather, and the best printed bibliography of his writings.

SPRAGUE, WILLIAM B.—*Annals of the American Pulpit* (9 vols., N. Y., 1857-1869)—Vol. I, pp. 189-195, contains a brief sketch of Mather.

TUTTLE, JULIUS H.—"The Libraries of the Mathers" (Am. Antiquarian Society, *Proceedings,* New Series, Vol. XX, pp. 269-356, Worcester, 1910).—Admirable study of the books owned by the Mathers.

UPHAM, CHARLES W.—*Salem Witchcraft* (2 vols., Boston, Wiggin & Lunt, 1867)—Offers much discussion, often neither accurate nor sound, of Cotton Mather's relation to Salem witchcraft.

UPHAM, CHARLES W.—"Salem Witchcraft and Cotton Mather" (Historical Magazine, 1869, Vol. XVI, pp. 129-219)—Part of a long controversy with W. F. Poole.

WALKER, WILLISTON.—"The Services of the Mathers in New England Religious Development" (Am. Society of Church History, *Papers,* Series I, Vol. V, pp. 61-85, N. Y., 1913).

WENDELL, BARRETT.—*Cotton Mather, the Puritan Priest* (Cambridge, Harvard Univ. Press, 1926)—The best biography.

CHAPTER XII

EARLY EIGHTEENTH CENTURY WOMEN (1689–1750)

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Period Between Settlement and Revolution

The story of woman's part in any civilization is not an independent narrative. It is part and parcel of that civilization and can be discovered only by penetrating the different layers of economic and social life. It requires also a study of the political structure and the spirit of the age as expressed in its art and philosophy. The story of chivalry is falsely told when it is made to stand out as a bright thread running across a dark background of ignorance and brutality, an exotic flower, by some strange magic blossoming in a foreign land. Neither its beauty nor its subtle poison could have developed from other soil than that in which it was actually rooted.

Similarly, both the active and the passive rôles of the early eighteenth century women in New England show them to have been true daughters of the colonies where new forms of social life were taking shape. At this time the women of France were finding a place for themselves in a subtle and sophisticated society. They succeeded in making of the art of politeness and manners a spectacle so brilliant that their more serious-minded sisters in England were stimulated to imitate them and to make their drawing-rooms centers in which feminine influence might penetrate the affairs of state. But the women in corresponding classes in far-away New England were playing very different *rôles* because they belonged to a much simpler and far less secure economic organization, one which for the first time was permitting them to

lift their attention from responsibilities for the immediate future, and to become conscious of the new society.

Because the Puritans migrated by families, women were present from the first and the heroic tasks of pioneer days were theirs to perform. Women's work, in the earliest days, included anything and everything which needed to be done; and there was little opportunity to debate whether a particular task was fitting for a woman. But the eighteenth century brought easier living in which actual comfort was to be found. Benjamin Franklin, writing in 1743, described the "first drudgery of settling new colonies" as "pretty well over." After a hard struggle the colonists had won a foothold on the continent which enabled them to provide themselves with homes in which they could enjoy privacy and convenience and the leisure necessary for a social life of more freedom. Revolution and war were soon to lay other and unaccustomed strains upon both men and women; but before these new responsibilities were assumed, there was an interval of about two generations during which time the beginnings of a distinctly American manner of life were made. Many of the English manners and customs had faded from memory in situations which offered little opportunity for their practice. New conditions necessitated the weaving of new social traditions by men and women who had never seen England.

The Household

The changing standard of living is conspicuous in the architecture of the houses over which the women presided. The interiors of these houses and the life that was lived there have been so faithfully and so affectionately pictured by Mrs. Alice Morse Earle, that reading one of her many delightful books is almost the equivalent of a visit in a colonial home. We see them at the beginning of the period furnished with rude but picturesque utensils. The kitchen fireside, with its many ingenious arrangements, its shining pewter and bright strings of red and yellow peppers and pumpkins hanging overhead, must have been the center of the family life. The food was served from scooped-out wooden trenchers and

oftentimes two persons shared the same dish. Forks were still a luxury at the end of the first quarter of the century.

The household equipment of a young country bride is found in a list of articles which Mindwell Lyman had for her "setting out" when in the year 1720 she married John Montague, Jr., of Hadley. The most important articles with which she opened her new house were these:

"7 chairs, and one great chair
Pillion and Pillion Cloth
Spinning Wheel, flyers, & Spindle & quill
Pr Andirons, Slice and tongs
Trammel, Warming Pan
Frying pan, Iron Kettle
Iron Pot, Brass Kettle
7 pewter platters
6 pewter plates, Tin pan
3 Basons, Salt cellar, 7 porringers dram cup and ten tumblers
Vinegar Earthen jug & other Earthen
2 wooden bowls, 3 dishes, 3 platters & 10 trenchers
Looking glass & drinking glass
Trunk, 4 Cushons
Feather bed, bolster, pillows & beers
Coverlids, Curtains & Valence
4 prs. pillow beers, 6 napkins, 2 table cloths, 8 towels & a cupboard cloth
11 sheets"

This modest wedding outfit may be contrasted with the more elegant list of articles which in the same year Judge Samuel Sewall, whose diary furnishes us with intimate details of the life of his day, ordered from England for his daughter, Judith. A portion of the order included the following items:

"Curtains & Vallens for a Bed with Counterpane

Head Cloth and Tester made of good yellow waterd worsted camlet with Trimming well made and Bases if it be the Fashion. Send also of the Same Camlet & Trimming as may be enough to make Cushions for the Chamber Chairs.

A good fine large Chintz Quilt well made.

A true Looking Glass of Black Walnut Frame of the New-

est Fashion if the Fashion be good, as good as can be bought for five or six pounds.

A Duzen of good Black Walnut Chairs fine Cane with a Couch.

A Duzen of Cane Chairs of a Different Figure and a Great Chair for a Chamber; all black Walnut.

One good large Warming Pan bottom and cover fit for an Iron handle.

A Brass Hearth for a Chamber with Dogs Shovel Tongs & Fender of the newest Fashion (the fire is to ly upon Iron)

A duzen of good Ivory-hafted Knives and Forks."

Tea and coffee were practically unknown at the beginning of the century in Massachusetts, though two dealers were licensed to sell tea "in publique" in Boston in 1690. At first it was sold like medicine by the apothecaries. It must have been in fairly general use by 1740 in Boston, for the ladies there are reported as gathering for tea drinking and "indulging every little piece of gentility and neglecting the affairs of their families with as good a grace as the finest ladies in London."

Dress

The richer dress of the women in the eighteenth century furnishes further evidence of changing standards and tastes. It is described in 1740 as not less gay than that worn in England at the same time. The most striking feature in women's dress were the immense hoops which spread the skirts "like a fishing smack under full sail." A good deal of the clothing for the well-to-do women was imported from England. The correspondence of Mr. Thomas Amory in 1724 contains an order for a "good fine fashionable riding hood, or a cloak with a hood to it, embroidered." Wigs, which had caused the Puritans much uneasiness earlier, became common by 1740; and we find, even before the end of the seventeenth century, the frequent mention of hair powder.

The portrait studies of John Singleton Copley give vivid records of the costly dress of some of the wealthy members of provincial society. Among the works of this artist is a portrait of Mercy Otis Warren, a description of whose costume is given by a modern writer as follows: "Her head dress is of

white lace, trimmed with white-satin ribbons. Her robe is of dark-green satin, with a pompadour waist, trimmed with point lace. There is a full plait at the back hanging from the shoulders, and her sleeves are also of point lace. White illusion trimmed with point lace, and fastened with a white-satin bow, covers her neck. The front of the skirt and of the sleeves are elaborately trimmed with puffing of satin."

Fashions were advertised not by the fashion-plate but by doll-models imported from England and clothed in the latest mode. In the *New England Weekly Journal* of July 2, 1733, appears the following notice:

"To be seen at Mrs. Hannah Teatts Mantus Maker at the head of Summer Street Boston a Baby drest after the newest Fashion of Mantues and Night Gowns & Everything belonging to a dress. Latilly arrived on Captain White from London, any Ladies that desire to see it may come or send, she will be ready to wait on 'em, if they come to the House it is Five Shilling & if she waits on 'em it is Seven Shilling."

An inventory of Madam Elizabeth Gedney's possessions in 1738 attributes the following articles to her:

"14	Shifts [chemises]	£ 8.4
9	handkerchiefs & 13 petticoats	£10.7
1	"suit of dark flowered silk"	£ 8.0
1	striped lustering gown	£ 7.0
1	velvet hood, a lustering do	
2	silk aprons, all	£ 1.4"

Further evidence of luxury of dress, and a side-light upon feminine occupation, may be found in an advertisement of the *Boston News Letter* of August 27, 1716.

"This is to give notice, That at the House of Mr. George Brownell, late School-Master in Hanover Street, Boston, are all sorts of Millinery Works done; making up Dresses and flowering of Muslin, making of furbelow'd Scarfs, and Quilting and cutting of Gentlewomen's Hair in the newest Fashion; and also young Gentlewomen and Children taught all sorts of fine works, as Feather-work, Filigre, and Painting on Glass . . . Turkey-work for Handkerchiefs . . . and short Aprons upon Muslin; artificial Flowers work'd with a needle."

A long road had been traveled in the century since the Puritan abhorrence of the extravagance of English dress had caused the passage of sumptuary laws by the Massachusetts General Court!

Amusements of Women

Dancing was becoming a popular amusement, but the children in families where the Puritan tradition was still strong were not allowed to share in this form of entertainment. Public concerts in Boston began in the early part of the eighteenth century. Mrs. Earle reports that the first public concert which she has found recorded was advertised in the *New England Weekly Journal* of December 15, 1732: "This is to inform the Publick That there will be a Consort of Music Perform'd by Sundry Instruments at the Court Room in Wings Lane near the Town Dock on the twenty-eighth of this Instant December; Tickets will be deliver'd at the Place of Performance at Five Shillings each Ticket. N. B. No Person will be admitted after Six." Much of the music in New England before the year 1800 consisted in modification of the Puritan psalmody, and there is little doubt but that the music of these early concerts was of this monotonous type.

Although a freer life was developing, evidence is wanting to indicate that there was for the women much contact with the European literature and arts of the eighteenth century. The number of spinnets advertised for sale before 1750 seems to show that they were fairly common in the homes of the prosperous. Judge Sewall (who confesses to a "passion for music") writes as early as 1690 of his wife's "virginalls," but Mrs. Earle doubts whether Madam Sewall ever played anything gayer than long-meter psalm tunes.

The new society had not yet found its social forms nor sufficient leisure or opportunity to give attention to the fine arts. The generation which was held by the superstition and fear that lurked behind the horror of the Salem witchcraft had not yet achieved that freedom for the human spirit for which the first settlers searched.

According to Puritan custom, the execution of a condemned criminal was made a public event. Notes from various diaries of the period show that large crowds gathered to witness

From the portrait in The Massachusetts Historical Society

An Eighteenth Century Lady, Mrs. Mary Ann Jones,
Sister of Peter Faneuil

these scenes. The event took on the atmosphere of a celebration and the witnesses derived no small amount of satisfaction and pleasure from the performance. It is apparent from the diary of Judge Sewall that women were among those present and that they gave themselves up to the morbid excitement of the occasion.

"*Feria Sexta,* Junij. 30, 1704 . . . After Dinner about 3 p. m. I went to see the Execution. . . . Many were the people that saw upon Broughton's Hill. But when I came to see how the River was cover'd with People, I was amased: Some say there were 100 Boats, 150 Boats and Canoes, saith Cousin Moody of York . . . When the scaffold was hoisted to due height, the seven Malefactors went up; Mr. Mather pray'd for them standing upon the Boat. Ropes were all fasten'd to the Gallows. . . . When the Scaffold was let to sink, there was such a Screech of the Women that my wife heard it sitting in our Entry next the Orchard, and was much surprised at it; yet the wind was sou-west. Our house is a full mile from the place."

Courtship

Young girls in colonial Massachusetts grew up with comparative freedom in their social relationships. Calhoun points out, as reasons for the lack of anything like chaperonage, the domestic occupations which kept girls closely confined, and the fact that the neighborhoods in which they lived were composed exclusively of approved families among whom girls would be considered safe. There are many instances in which it is reported that young men took girls to evening parties unaccompanied by any older person.

The initiative in the matter of choosing a mate appears not to have been taken exclusively by the young man as later came to be the case. Cotton Mather records one instance of the persistence of a young woman which he found very baffling. "There is a young Gentlewoman of incomparable Accomplishments. No Gentlewoman in the English *America* has had a more Polite education . . . This young Gentlewoman first Addresses me with diverse letters, and then makes me a Visit at my House; wherein she gives me to understand, that she has long had a more than an ordinary Value for my

Ministry; and that since my present Condition has given her more Liberty to think of me, she must confess herself charmed with my Person, to such a Degree that she could not but break in upon me, with her most importunate Requests that I would make her mine, . . . for if she were mine . . . the effect of it would be that she . . . would also be Christ's.

"I was in great Straight, how to treat so polite a Gentlewoman . . . I plainly told her that I feared whether her Proposal would not meet with unsurmountable Oppositions . . . However, . . . if I could not make her my own, I should be glad of being any way Instrumental, to make her the Lord's . . . Her Reputation has been under some Disadvantage.

"What Snares may be laying for me, I know not . . . Lord, help me, what shall I do? I am a miserable man."

In other instances, however, the courtship appears to have been managed with a good deal of guidance by parents. We are indebted again to the diary of Judge Sewall for the picture of the courtship of two of his daughters. When Mr. Gerrish desired the hand of his daughter, Mary, he first asked the father's consent to pay his attentions. The Judge writes: "S. Gerrish comes. Tell's Mary except Satterday and Lord's-day nights intends to wait on her every night; unless some extraordinary thing happen." Evidently such uninterrupted wooing brought quick results, as an entry only six months later is: "Midweek, August 24. In the evening Mr. Pemberton marrys Mr. Samuel Gerrish and my daughter Mary: He begun with Prayer, and Mr. Gerrish the bridegroom's father concluded."

The supervision of courtship by parents did not extend to imposing their wills upon reluctant children as Miss Goodsell points out in discussing the courtship of Sewall's second daughter, Betty. When Betty's shyness prevented her acceptance of Captain Tuthill, the father did not press the matter. "Captain Tuthill comes to speak with Betty, who hid herself all alone in the coach for several hours till he was gone, so that we sought at several houses, till at last came in of herself, and lok'd very wild." Captain Tuthill was discouraged and withdrew, but the family prepared the way for another suitor, Mr. William Hirst, who was given "the liberty of our house," and "Oct. 17th, 1700 . . . Mr. Grove Hirst and Elizabeth Sewall are married by Mr. Cotton Mather . . .

Sung the 128 Psal. I set York Tune not intending it. In the new Parlor."

Marriage

The marriage of convenience was well understood in colonial society of this period. The difficulties of Judge Sewall in coming to terms with the various widows with whom he began negotiations very soon after lamenting his wife's death furnish evidence that shrewd bargaining was practiced by both parties. The Widow Denison, who had been well provided for by her first spouse, was unwilling to accept the terms the judge offered: "Ask'd her what I should allow her; she not speaking; I told her I was willing to give her Two [Hundred?] and Fifty pounds per annum during her life, if it should please God to take me out of the world before her. She answer'd she had better keep as she was, than give a Certainty for an uncertainty; She should pay dear for dwelling at Boston. I desired her to make proposals, but she made none." Later, after he had wooed and won a second wife and she had also died, he relates his attempts to secure the Widow Winthrop: "Spake of giving her a Hundred pounds per annum if I dy'd before her. Ask'd her what sum she would give me, if she should dy first? Said I would give her time to Consider of it." Her consideration ended in her refusal to "Change her Condition." Not daunted, the Judge repaired to the Widow Gibbs and at last was successful in winning a wife to whom he had offered only "Forty pounds per annum during the term of your natural Life in case of your Survival;" terms decidedly lower than those of his previous proposals!

An important change in the status of marriage dates from the last of the seventeenth century, when the early Puritan fear of ecclesiastical domination required the performance of the ceremony by justices of the peace. In the eighteenth century it was legal and customary for ministers to be the celebrants. It will be recalled that when Judge Sewall's daughter Elizabeth was married on October 17th, 1700, Cotton Mather officiated. The requirement of "three several times publication" of the banns and parental consent for those "under covert of parents" were continued.

The basis of the legal status of Massachusetts women in the

eighteenth century was still derived from English law. The importance of the marriage settlement lay in the modification through it of the almost absolute control of the husband over the property of the wife. The influence of English custom and tradition was not so strong in fixing intimate family relationships because of different economic conditions. Women who married young might be placed soon afterward at the head of a great clan-like group.

Divorce

Marriages were not all successful in colonial Massachusetts. Disagreement then, as now, was frequent, but it resulted less often in divorce. Even the marriage of Judge Sewall's son, Samuel, to the daughter of Governor Dudley was not a happy one. The comment of Judge Sewall on February 21, 1715, shows the parents' perplexity in handling this situation:

"Son Sewall intended to go home on the Horse Tom brought, sent some of his Linen by him; but when I came to read his wive's letter to me, his Mother was vehemently against his going: and I was for considering. . . ." The frequent confessions of adultery by married men and women, made in full knowledge of the possibility of the awful punishment of branding with the scarlet letter, are testimony to laxity in marital relations.

Belief in the family as the only proper setting for the individual was very strong. The terrific pressure of public opinion, manifested in home, church and civil interference, was exerted for the maintenance of family ties. Unhappy unions occasionally ended in the granting of separation or divorce by the civil authorities; but the instances were few in number during this period in comparison with those of later years. Howard's careful research has uncovered only four cases of divorce in Massachusetts Bay Colony in the two years 1690 and 1691, when jurisdiction was in the hands of the Court of Assistants. For the next half-century the history of divorce is almost a complete blank, for the records of the governor and council who heard the majority of such actions are missing. Only three such cases are recorded in the years 1739-50. A few additional pleas for separate maintenance came before the

county court of the general sessions of the peace. One was the case of Dorothy, "the wife of John Jackson of Boston Starchmaker," who asked separate maintenance on the grounds of non-support and cruelty and alleged that she "would run the hazzard of her life in case she should attempt to Enter into his house." The recalcitrant Jackson was ordered to take his wife home, support her, and "keep his Majesty's Peace." When he refused, the court ordered him to provide Dorothy a weekly allowance of eight shillings. One single instance between 1725 and 1780 appears in still another set of records, those of the Superior Court of Judicature. When the court convened for Barnstable and Duke counties on April 21, 1730:

"Hannah Marshall, wife of the Reverend Josiah Marshall, complained that she has lived with him for considerable time past in daily fear of her life, threats of being brained etc. Josiah appeared and made answer. Hannah admitted to her oath . . . Court directed and advised her to keep at her father's house until further order from the Court or from the General Sessions. Josiah to find surety for his good behavior."

Massachusetts wives of the early eighteenth century, like their sisters in England, lived under the rule of a double standard of morality. As Governor Hutchinson, who for many years presided over the council which heard divorce cases in Massachusetts Bay Colony, phrases it, "female adultery was never doubted to have been sufficient cause, but male adultery, after some debate and consultation with the elders, was judged not sufficient." The same code also prevailed in Plymouth Plantation. A complaint of adultery on the part of the husband was always accompanied by another charge, as in the case of "Mary versus Sam Stebbins," in the assistants court in 1690-91, where both adultery and desertion were cited. Before 1776, according to Howard, there is not a single clear instance of divorce being granted for a husband's unfaithfulness, although after that date marriages were freely dissolved for this cause.

The wife, like the husband, might obtain a divorce for desertion "a year or two, when there was evidence of a determined design not to return . . ." Frequently petitions of this kind were entered by the wives of mariners, gone from port "three

full years" on a voyage which usually lasted three months. Wives could not so easily desert their husbands, and such instances as the divorce of Hannah by Phillip Goss in Boston in 1690 because of desertion and remarriage are rare. Failure to provide and cruelty on the part of the husband were also causes for dissolution of the marriage bond, although they usually appear in combination with other charges. Marriages were declared void if contracted by persons within certain degrees of consanguinity, or because of impotence. Of all causes for divorce, the action was clearest and the penalty most severe in the case of bigamy. The punishment for "polygamy" was death in Massachusetts Bay in 1695; and as late as 1751 Ezekiel Eldridge, who pleaded guilty to the charge of taking two wives, "pray'd the Court that he might be allow'd the Benefit of Clergy which was Granted him," and was "thereupon burnt in the hand in the face of the Court." One of his wives was then granted a divorce, and the other marriage was declared null and void.

Women in the Community

Although women of the provincial period played an inconspicuous rôle in public affairs, they held a recognized status in the community. The voting privilege was not determined by church membership, but by a property qualification. The existence of many women property owners in Boston in the early eighteenth century is shown from the Records of the Selectmen of that town and the fact that women property holders were allowed to vote under the old Province charter from 1691 to 1780 for all elective officers, may be seen from the colonial records of Massachusetts. As freeholders women petitioned for liberty to build or repair property, and documents similar to the following frequently appear in the Records of the Selectmen of Boston:

"Boston Anno 1701 April 28th. Widow Mary Peirse her Petition for a building of Timber was allowed."

"Boston Anno 1733 April 9th. Liberty is Granted to mrs. Sarah Balch of Boston widow To take up the Pavement and Digg up the Ground to Clear her drain from Her House in Prince Street to the Common Shore there She making good

the Ground and Pauement to the Satisfaction of the Select men and from time to time keeping them in Repair."

The old English laws pertaining to capital punishment varied in the case of men and women. These statutes stated that a woman sentenced to death was to be burned at the stake, and a man was to be dragged to the place of execution and hanged. Colonial records show only rare instances in which women were sentenced to death, and it is evident that some of these women were hanged. Records are complete concerning the case of Phillis and Mark, and from these it is evident that as late as 1755 a woman convicted of murder was burned at the stake. A report of the case appeared in a Boston paper, the *Evening Post* of September 22, 1755.

"Thursday last, in the Afternoon, *Mark*, a Negro Man, and *Phillis*, a Negro Woman, both Servants to the late Captain *John Codman*, of *Charlestown*, were executed at *Cambridge*, for poisoning their said Master. . . . The Fellow was hanged, and the Woman burned at the Stake about Ten Yards distant from the Gallows. They both confessed themselves guilty of the Crime for which they suffered, acknowledged the Justice of their Sentence and died very penitent. After Execution, the Body of *Mark* was brought down to *Charlestown* Common, and hanged in Chains, on a Gibbet erected there for that Purpose."

Women in the Household

The single woman had a precarious *rôle*. Marriage was often the "only honorable refuge"; and while too often the spinsters felt themselves not wanted in the family, they had no alternative. However, men at the head of households recognized the obligation of taking on the support of one or more dependent women; and of course there were times when they were more than repaid for doing so. Such was doubtless the case with Judge Sewall's friend, John Hull, who invited the Judge's sister, Jane, to become a member of his household until she should "change her condition." Subsequent mention portrays her "ministering and serving in a graceful manner."

As Calhoun describes it: "In the household of the prosperous Massachusetts merchant were indentured servants, male and female generally young, working out their time. Wage

employees, even those used in his business, commonly ate at his family table, and lived under his roof. All such were, of course, under the paternal care of the house-father. Besides these, were unattached female relatives, who often lived with their kindred." Within this large assemblage family relationships had to be worked out anew.

"Slaves, male and female, were employed in many of the families which could maintain them, in spite of the fact that there was considerable public opinion against the practice. From the advertisements appearing in the *Boston News Letter,* it seems that women slaves were as numerous as were men slaves. The following notices show the nature of the trading:

"March 5, 1705. An able healthy Negro Woman about 23 years of age, speaks English intelligently, & is well instructed in Household-business, to be Sold. Enquire at the Post-Office in Boston, & know further."

"October 7, 1706. A Negro Infant Girl about Six Weeks Old, to be Given for the Bringing up: Inquire of John Campbell Post-Master, and know further."

Care of Dependent Women

The dependent woman of the community received support from the town. The main object in "poor relief" in the early days was to rid the town of "such nuisances," whatever the method and net costs. Provision for the poor in almshouses did not become common in Massachusetts until 1700, so that prior to this date we find many records of persons boarded out by the town. That such a burden was distributed among various members of the community may be seen from the records of Hadley. It was voted in town meeting in 1687 that Widow Baldwin be sent from house to house, "to such as are able to receive her." She was to remain a fortnight in each family and "to go from Samuel Parker's, senior, southward, and round the town." The first specifically recorded appropriation in Braintree appeared in 1694 when the town voted support to a woman. "Five pounds for John Belcher's widow's maintenance; thirty shillings to Thomas Revell for keeping William Dimblebee."

By the early part of the eighteenth century almshouses in

Boston were well established and opened to both men and women who must, before admission, be visited by the selectmen and pronounced proper objects of charity. A note in 1722 from the Records of the Selectmen of Boston reads:

"At A Meeting of the Select men Jan. the 28th. Ordered that Notice be given to the Overceer of the Poor that Said Select men doe allow of their admitting Rebecca Holmes & Margaret Price, forrainers to be proper objects of Charity to be Releived by them at the charg of this Province."

Although society acknowledged the poor and spent a great deal of money for their maintenance,"yet the charity of those earlier days was cold." The first record in Braintree concerning the insane poor appears in the town documents for 1689:

"It was voted that Samuel Speer should build a little house, seven foot long and five foot wide, and set it by his house to secure his sister, good wife Witty being distracted, and provide for her, and the town by vote agreed to see him well payed and satisfied which shall be thought reasonable."

Domestic Occupations

The occupations of women in Massachusetts in the early eighteenth century were the immemorial feminine duties in connection with the preparation of food, clothing, and the care of the domicile. Industry, almost without exception, was organized around the household until after 1750 and most of the products of home industry were for the use of the family itself.

The household was a beehive of activity throughout the year. The women must have acquired many kinds of skill and engaged in much laborious work. Many days must have included the grinding of meal in a "quarn" or hand-mill, which was usually found in a room of its own. In some corner of nearly every house stood the "powdering tub" filled with a pickle of brine for the salting of the family's supply of meat. The great undertaking of preparing soap from months' accumulation of grease took place in the spring. This was an anxious time for the housewife, for if the moon were not in the right quarter nor the tide at flood, the soap might

not "come right." The process of making the large supply of candles needed for lighting the house was slow and laborious. This occupied many days and evenings during the autumn. The wicks, attached to short sticks, were dipped and cooled and dipped and cooled in melted tallow or in wax from bees or from bayberry bushes (candleberries) until the candles were of the required size. When candle moulds were used the process was, of course, much shortened; and if the housewife did not possess moulds, she might hire in an itinerant candlemaker who brought his moulds with him.

A day each month was set apart for the huge washing, which was undertaken without running water or any of the modern utensils which have transformed one of the heaviest of household tasks. Many winter evenings around the fire were spent in making birch brooms and quilts, occupations in which whole families might join. Perhaps no household occupation called for greater skill than the spinning and weaving of the wool and flax from which the clothes and household linens were made. The tasks of shearing, washing, and further preparing the farm-reared wool belonged in the main to men, but the picture of the "great wheel" on which the yarn was spun is almost our symbol of the work of our grandmothers. Men also performed the preliminary hard work of pulling, rotting, breaking and combing the farm-grown flax before it came to women to be spun on the "little wheel."

The vast amount of work in the households of the prosperous in time came to be carried on with the help of trained servants. Many freemen and freewomen came to these shores bound to service for a period of years and worked out their terms as domestic servants. Advertisements for the disposal of unexpired serving time are not uncommon prior to the Revolution. Many families took children to bring up for the sake of the labor they could contribute to the household tasks. Usually they were children of the neighborhood, so the tie with their own people was not altogether broken.

The children of the family itself were numerous and all were kept busy with household tasks. Ten or twelve children in one family were not at all unusual and there are records of many families with many more. Perhaps the most im-

By courtesy of The Essex Institute, Salem

KITCHEN OF A TYPICAL EIGHTEENTH CENTURY HOME:
WARD HOUSE, SALEM, MASSACHUSETTS

portant supply of labor for domestic industries was, however, the single adult women, one or more of whom were to be found in almost every household. They were to all intents and purposes servants without wages, and Calhoun believes they were so numerous as to depress the wages of domestic servants. Miss Macgill, in a brilliant essay, contends that the unrecorded and unacknowledged work of children and spinsters explains the accomplishments falsely attributed to the colonial housewife alone. She thinks there is much that is unreal in the tradition which has been built up around her.

The modern woman in charge of a household looks back with amazement at the multitudinous tasks of the colonial housewife. She contrasts the hard conditions under which her ancestor labored with the many modern conveniences which lighten labor in her own home; and she concludes that the American woman before the industrial revolution must have been more than her equal in skill, industry, and accomplishment. But she forgets the many children and maiden aunts who furnished assistance to the woman in the colonial home.

The greatest contrast between the women of the eighteenth century and their granddaughters in the twentieth lies in their economic positions. The former were reared in the age-old tradition of the mental and social inferiority of women, a tradition seldom questioned by the women themselves. Their endless hard work won them little freedom in which to carry out their own plans. Without doubt many of them did order a world quite to their individual liking, but their success was most often won by the time-honored method of pleasing the men of the family. Deference to their wishes was given by granting them favors; and then, as now, there was little security by this method.

Women in Trade and Industry

Women's domestic labors were not devoted wholly to the comfort of members of their own households. Many women contributed to the family income by selling their own handiwork. Spinning and weaving, knitting and tailoring, preserving and jellymaking, the raising of garden seeds and the

brewing of ale became profitable by-employments for the industrious housewife. The increase in population and the rapid expansion of trade in the eighteenth century created an ever-growing demand for these products.

Mrs. Mary Avery of Boston added as much as £50 to the family purse in the four years from 1685 to 1689 by selling her handiwork. The following extract from the account book of a Boston shop keeper shows the variety of items to her credit:

	L	s	d
"By 2 yard ½ of buntin att	?	?	?
By ½ yard of ditto att 14d	0	3	3
By 3 yards ½ of half thick Kersey att 3s 3d	0	10	6
A coverlid	1	0	0
By 16 yards of druggett att—and a broom 3d	1	17	7
By 20 yds. black searge at 4s 6d	4	10	0
By 13 yds. of buntin at 3d	0	3	3
By 18½ yards searge at ⅜	3	7	10
By a hatt 5-6	0	5	6
By 53 yds. of cotton and linnin at 2-9	7	5	9."

The freedom of women to engage in gainful employment outside their homes, but always under the watchful paternalism of the officials, is reflected in one of the Province Laws of Massachusetts Bay, passed in the session of 1692-93. It required that every single person under the age of twenty-one should live "under some orderly family government," but added that "this act shall not be construed to extend to hinder any single woman of good repute from the exercise of any lawful trade or employment for a livelihood, whereunto she shall have the allowance and approbation of the selectmen . . . any law, usage or custom to the contrary notwithstanding." Under this law, and the rule of custom which preceded it, women ventured into a variety of enterprises outside the shelter of their own homes.

The keeping of taverns and the sale of "Strong Drinck" was one of the most common occupations of women in the early eighteenth century. The records of the Boston Selectmen abound in petitions of women who desired to sell ales, beer, wines and liquors "within and without doors." Their

requests are almost as numerous as those of the men, and seem to have been considered on much the same basis. July 12, 1708, "Damaris Perkins widdow her Petition for Lycence to Sell as a Retaylor Such Sperits as She distills in her Limbeck" was "allowed by ye Selectmen."

One well-known Boston land-owner and inn-keeper who "catered to the public" early in the eighteenth century was Anne Pollard, born in England in 1620. She represents a vigorous Puritan type and one historian writing of her says: "The history of Boston women begins with a young girl, Ann by name, ten years old, who was the first person to leap from the boat which brought over the exploring party from Charlestown, in 1630; and when, as Mrs. Pollard, she died in 1725, aged one hundred and five, there was left behind her a canvas, still in existence, on which the strong hard lines of the old face indicate a toughness which could well have borne the hardships of the early settlement."

There were few actual wage-earners except teachers and domestic servants and seamstresses, for the absence of the factory system in the early eighteenth century made industrial wage labor for women an impossibility. But trade was open to them, and the more venturesome fared forth into it with zest. Some widows took over their husband's businesses, while a few single women were enterprisers on their own initiative. The Boston Selectmen rented to Mary Bithin "the Easter most of the New Shopps under the Town House at three pounds p Annum" in 1709, but within the year the unfortunate Mary was "warned out of" the shop she hired. Women were licensed to run "victualing houses" and one unusual instance of a woman applying for permission to build a slaughter house appears in the Boston Town Records in 1693. There were women booksellers and women printers in the eighteenth century, who were compositors and who also worked at the press. Some women in the coast towns were reckless enough to risk their savings in ventures at sea, as did Margaret Barton of Boston, who accumulated quite a fortune for her day. But these enterprising shopkeepers and traders and innkeepers were the exceptions, and most of the earnings of women were incidental to their domestic duties.

Education of Women

The education of the New England girl of the eighteenth century received slight attention. At the time when Massachusetts was outstripping all the other colonies in her efforts to offer educational opportunities to young men, no provision was made for girls, and except for what they could learn from their brothers or parents at home or in the poorly equipped Dame schools, the girls of the period remained untaught. It is certain that a large percentage of women were actually illiterate. It has been estimated from the registry books in Suffolk, Essex, and Middlesex counties that sixty per cent "of the women whose names appear in the recorded deeds of the eighteenth century, either as grantors of property or relinquishing dower," were unable to sign their names and obliged to make their mark.

In contrast to the provision of many excellent opportunities for young men, the admission of Boston girls to the public schools was delayed until after 1789. It was not until this year that Boston established the first of the so-called "double-headed" schools. This was a grammar school to which girls were admitted; but instead of the usual co-educational arrangement, the girls came at different hours from those assigned to the boys and attended only from April to October of each year.

The only chance for the girl of this period to study in school was at one of the dame schools. These were primitive, elementary schools which seldom attained any dignity or importance. Both men and women served as teachers. If the teacher was a woman, it is safe to assume that her own learning had come from the home or from another dame school. Crabbe describes a school resembling our day nurseries as follows:

"When a deaf poor patient widow sits
And awes some twenty infants as she knits—
Infants of humble, busy wives who pay
Some trifling price for freedom through the day,
At this good matron's hut the children meet
Who thus becomes the mother of the street:

Her room is small, they cannot widely stray
Her threshold high, they cannot run away:
With bands of yarn she keeps offenders in,
And to her gown the sturdiest can pin."

Updegraph cites the following instances indicating the general distribution of the dame school with a woman as its teacher:

"The wife of Ebenezer Field, the smith of the town of Northfield, kept the first school known in that town in 1721. 'She taught a class of young children at her house, for twenty-two weeks of the warm season.' John Hartwell's wife was given leave to keep a school to instruct children to read in Billerica in 1719."

These schools, sometimes called "ma'am" schools, were at first private enterprises, but as time went on and their position in the community became more recognized, instances are found of partial support from the town.

The dame schools in Boston came under the supervision of the selectmen fairly early, as the following ruling shows:

"At a Meeting of the Select Men, May 20, 1735. Mrs. Alice Haynes having presumed to keep a School for teaching and Instructing Children in Reading, without the Allowance and approbation of the Select men, She was Sent for, And being judged an Unsutable Person for that Imployment She was forbid to keep such School any longer."

In this manner, the dame school became a part of the public school system of the early New England colonies, but it remained elementary and never became important in the evolution of the Massachusetts school system. Boys attended the schools to obtain special honors in the grammar schools and girls were taught "all that it was thought they needed."

Although girls were not admitted to the Boston public schools until 1789, there appears to have been no definite ruling forbidding them to attend. The sentiment of the period, however, which definitely opposed it, was well established and formed an actual bar. Superintendent H. W. Small in a study of the records of nearly 200 New England towns found less than a dozen instances of positive statements providing for the entrance of girls into the public grammar schools.

Deerfield voted in 1689 "that all families having children either male or female between the ages six and ten years shall pay by the poll" for their schooling. Similar records were found in Rehoboth in 1699, and in Northampton and Hatfield slightly earlier. These cases were, however, exceedingly rare and the ruling for the Hopkins School in New Haven in 1684 expressed the public opinion in Massachusetts. "And all girls be excluded as improper and inconsistent with such a grammar school as ye law injoines and as is the Designe of this settlement."

Previous to the formal admission of girls into the public schools of Boston, there seem to have been occasional compromises, when girls were allowed to go to the boys' grammar school for short periods of time. Medford voted in 1766 that "the committee have power to agree with the school master to instruct girls two hours in a day after the boys are dismissed."

These were not the days in which women could hope for new opportunities in learning. In fact, there is little evidence to show that women sought them or that they resented neglect. This conclusion may, however, be unjust. If opportunities had been within their reach, women might have made as rapid strides as they did after the Revolution when the doors of the academies and seminaries were opened to them.

Women of Learning

The few conspicuous educated women who ventured to use their learning in public affairs had to face hostile public opinion. A comment in a letter of Abigail Adams to the effect that society found it fashionable "to ridicule female learning" indicates the sentiment of the times. The only opportunities for intellectual development for eighteenth-century women were to be found in contacts with the learned. It is significant that all women of this period who have left any record of intellectual attainment were members of families in which the father or sons had received unusual educational advantages.

In the *Memoirs of the Life and Death of the Pious and Ingenious Mrs. Jane Turell,* written in 1735 by her husband,

Ebenezer Turell, are printed several simple little poems of a Puritan maid. Mr. Turell says of her:

"Before she had seen eighteen, she had read, and (in some measure) digested all the English poetry and polite pieces in prose, printed and manuscripts, in her father's well furnished library, and much she borrowed of her friends and acquaintances. She had such a thirst after knowledge that the leisure of the day did not suffice, but she spent whole nights in reading."

In December, 1724, at the age of sixteen she wrote a poem, "To her honored father, on his being chosen President of Harvard College," which begins,

"Sir,
An infant muse begs leave beneath your feet,
To lay the first essays of her poetic wit;
That under your protection she may raise
Her song to some exhalted pitch of praise.
You who among the bards are found the chief. . . ."

Although we may agree with Mr. Coit Moses Tyler that Jane Turell "left no proofs of poetic genius, more notable than are to be found in the desk of almost any spirited school-girl with a tendency towards emotional effervescence in verse," we can be certain that she had literary ambitions which could not be matched by many young women of her time.

No more vivid descriptions of Indian massacres can be found than those written in 1676 by Mary Rowlandson, the wife of the minister of the church of Lancaster: *The Sovereignty and Goodness of God: an Narrative of the Captivity and Restoration of Mrs. Mary Rowlandson.* A part of her description of the "doleful onslaught of the Indians" makes clear the horrors of the occasion.

". . . Oh! the doleful sight that now was to behold at this house! Come, behold the works of the Lord, what desolations he has made in the earth. Of thirty-seven persons who were in this one house, none escaped either present death, or a bitter captivity, save only one, who might say as in Job 1, 15: 'And I only am escaped alone to tell the news.' There were twelve killed, some shot, some stabbed with their spears,

some knocked down with their hatchets . . . There was one who was chopped in the head with a hatchet, and stripped naked, and yet was crawling up and down. It was a solemn sight to see so many Christians lying in their blood, some here and some there, like a company of sheep torn by wolves. All of them stripped naked by a company of hell-hounds, roaring, singing, ranting, and insulting, as if they would have torn our very hearts out; yet the Lord, by his almighty power, preserved a number of us from death, for there were twenty-four of us taken alive and carried captive . . ."

A few letters and journals of real historic and literary value were written by women who received their early training during the middle of the eighteenth century. The famous letters of Mercy Otis Warren to President Adams, written during the American Revolution, have become important documents for the student of the history of this period. In spite of the fact that Mrs. Warren received no formal education, her writings reveal a quickness of mind and literary genius which far excelled that of other women of her time. As a young girl Mercy Warren delighted in intellectual pursuits, and close companionship with her brother, James Otis, made it possible for her to share with him many of his educational opportunities. In 1739, when Mercy was eleven years old, he left their Barnstable home to enter Harvard College. At home Mercy studied with her tutor, the Reverend Jonathan Russell. She had a passion for history, and with him she read Raleigh's *History of the World.* Years later she wrote in satire to a friend, giving advice from what may have been learned from her own experiences:

"If you have a Taste for the Study of History let me Urge you not to Indulge it, least the Picture of human Nature in All Ages of the World should give Your Features too serious a Cast or by becoming acquainted with the rude State of Nature in the Earlier Ages,—the Origin of Society, the Foundations of Government & the Rise & Fall of Empires, you should Inadvertently glide into that unpardonable Absurdity & sometimes Venture to speak when Politicks happen to be the Subject.—In short, Science of any Kind beyond the Toilet, the Tea, or the Card Table, is as Unnecessary to a Lady's figuring

in the Drawing Room as Virtue unsully'd by *Caprice* is to the Character of the finish'd Gentleman. . ."

When Mercy Warren was fifteen years old she went to the Harvard Commencement exercises of her brother. How much this experience meant to the young Puritan maid, who years later through her satirical dramas and historical poems came to be recognized as the literary genius of her period!

It is evident that there were only a few New England women of the eighteenth century who may be compared with that Puritan scholar of the seventeenth century, Anne Bradstreet; and only a few who cherished the ambition to become "blue-stockings" after the manner of their cousins across the water.

Madam Sarah Knight

The fortunate discovery of the journal of a woman of great vigor and independence, nearly a generation after she wrote it, gives us a unique picture of the ways of her world. Sarah Kemble Knight, born in Boston in 1666, knew them as few women did. Her life was filled with adventure and variety, and her ready pen made caustic comment on all the day's happenings. It was her father, Captain Kemble, a rich merchant, who drew upon himself the historic penalty when, rejoicing to see his wife after a three-year absence, he kissed her on the Sabbath Day. The punishment meted out to him for this "lewd and unseemly behavior" was to sit for two hours in the public stocks and meditate upon his offense.

Sarah married the "son of a London trader" but he died abroad when she was thirty-seven years old. Her subsequent career included many activities. For nearly fifteen years she kept a dame school in which her pupils included no less famous persons than Benjamin Franklin and Dr. Samuel Mather. The latter later lived in the house in which he had gone to school and carefully preserved a pane of window glass on which one of Madam Knight's frequent verses had been inscribed by her with her diamond ring. Later on Madam Knight took up her residence in Connecticut and we hear of her managing a farm and operating a tavern near New London. The town of Norwich received from her a handsome gift in the form of a silver communion cup. In grateful

recognition of this the town permitted her to "sitt in the pue where she used to sitt in ye meeting house." Alas, we also hear of public notice of her activities in another connection, that of "selling strong liquor to the Indians," for which she was indicted and fined.

The exploit for which we are most indebted to her, however, is the "perilous journey" which she took from Boston to New York in 1704, to claim some property in the latter place which had belonged to her husband. This was a most unusual undertaking for a woman and one fraught with real danger. Wild animals frequented the woods through which she had to pass and the way itself was so uncertain that she had to hire guides. She followed as much of the way as possible with a post rider.

In addition to the light which the story of the expedition throws on the character of this remarkable woman, the journal is the detailed record of the impressions of all she saw and heard and is one of the most authentic sources of information regarding the manners and customs of the time. Frequently her notes are long accounts with spicy comment. Often she entertains herself by putting her experience into verse form, evidently a favorite pastime with her. The pane of glass so carefully preserved by Dr. Samuel Mather has reference to the perils of this journey. It runs:

> "Through many toils and many frights
> I have returned poor Sarah Knights
> Over great rocks and many stones
> God has preserv'd from fractur'd bones."

She rode on horseback from Boston through Dedham and stopped at Billing's, a tavern twelve miles farther on, in order to overtake the post. A lively description of this stop is contained in the journal:

"My Guide dismounted and very complasently help't me down and shewed the door, signing to me with his hand to Go in; which I Gladly did. But had not gone many steps into the Room, ere I was Interrogated by a young Lady I understood afterwards was the Eldest daughter of the family, with these, or words to this purpose, (viz) Law for mee—what in the

world brings You here at this time-a-night?—I never see a woman on the Rode so Dreadfull late in all the days of my Varsall Life. Who are You? Where are You going? I'me scar'd out of my witts—with much now of the same Kind. I stood aghast, Prepareing to reply, when in come my Guide—to him Madam turn'd, Roreing out: Lawfull heart, John, is it You?—how de do! Where in the world are you going with this woman? Who is she? John made no Ans'r but sat down in the corner, fumbled out his black Junk, and saluted that instead of Debb; She then turned agen to mee and fell anew into her silly questions, without asking mee to sitt down."

We have several instances of the country custom of the day according to which our lady of high degree had to share the room in which she slept with the men who were her travelling companions. In one instance she relates:

"arriving at my apartment found it to be a little Lento Chamber furnisht amongst other Rubbish with a High Bedd and a Low one, a Long Table, a Bench and a Bottomless chair, —Little Miss went to scratch up my Kennel which Russelled as if shee'd bin in the Barn amongst the Husks, and supose such was the contents of the tickin—nevertheless being exceeding weary, down I laid my poor Carkes (never more tired) and found my Covering as scanty as my Bed was hard. Anon I heard another Russelling noise in Ye Room—called to know the matter—Little Miss said shee was making a bed for the men; who, when they were in Bed complained their leggs lay out of it by reason of its shortness—my poor bones complained bitterly not being used to such Lodgings, and so did the man who was with us; and poor I made but one Grone, which was from the time I went to bed to the time I Riss, which was about three in the morning, Setting up by the Fire till Light."

On another occasion, when she was kept awake by the loud talk of her companions who grew more noisy as they drank, she says, "I set my Candle on a Chest by the bedside, and setting up fell to my old way of composing my Resentments in the following manner:

I ask thy Aid O Potent Rum!
To Charm these wrangling Topers Dum.
Thou hast their Giddy Brains possest

The man confounded with the Beast
And I, poor I, can get no rest
Intoxicate them with thy fumes:
O still their Tongues till morning comes!"

Accustomed to having her own way, Madam Knight could wax vindicative when she was denied. She thus describes her action at one house where she was refused the hospitality to which she thought herself entitled, she expressed herself in satiric wise:

"May all that dread the cruel fiend of night
Keep on, and not at this curs't Mansion light.
'Tis Hell; 'Tis Hell! and Devills here do dwell:
Here Dwells the Devill—surely this's Hell.
Nothing but Wants; a drop to cool yo'r Tongue
Cant be procur'd those cruel Fiends among.
Plenty of horrid grins and looks sevear,
Hunger and thirst, But pitty's banish'd here—
The Right hand keep, if Hell on Earth you fear!"

Probably it would be almost impossible to match among the women of her time the personality which is revealed in this very human document. Yet Madam Knight, as an outstanding figure, illuminates their characteristics. Her spirit and her behavior in her various undertakings undoubtedly express her generation. Certainly this school teacher and innkeeper went out to meet life with energy and enthusiasm, and the limitations which the traditions of her society put upon her sex were not sufficient to deter her.

The contrast between the educational and occupational opportunities of the women of today and those of our grandmothers is so marked that we often make the mistake of assigning to the women of the eighteenth century a place very much more in the background than the one they actually occupied. On the other hand, it is clear that the more finely grained individuals of the earlier day had a difficult time. It took a woman of Madam Knight's worldliness and vehemence to find

a place where there was any degree of freedom in the ordering of her life. It must be remembered that Madam Knight's career was made possible by the security of her economic position. She was a woman of property and owed her independence as well to that as to her own indomitable character.

SELECT BIBLIOGRAPHY

ABBOTT, EDITH.—*Women in Industry* (New York, 1909).

ADAMS, CHARLES FRANCIS.—*Three Episodes of Massachusetts History* (2 vols., Boston, 1892).

ADAMS, CHARLES FRANCIS.—*Memoir and Letters of Mrs. Adams, the wife of John Adams* (Boston, 1848).

BJÖRKMAN, F. M. AND PORRITT, A. G. editors.—*Woman Suffrage, History Arguments and Results* (New York, 1915).

BOSTON: SELECTMEN.—*Records* (BOSTON: RECORD COMMISSIONERS, *Reports*, 39 vols., Boston, 1880–1909)—For selectmen's records during the eighteenth century see Vols. IX and later volumes.

BROWN, ALICE.—*Women of Colonial and Revolutionary Times: Mercy Warren* (New York, 1896).

CALHOUN, A. W.—*A Social History of the American Family* (Cleveland, 1917).

COOK, F. A.—"The Marriage Celebration in the Colonies" *(Atlantic Monthly.* Vol. 61, pp. 350-362; March, 1888).

DEXTER, E. G.—*A History of Education in the United States* (New York, 1904).

DWIGHT, S. E.—*The Life of President Edwards* (New York, 1830).

EARLE, A. M.—"A Boston School Girl in 1771." *(Atlantic Monthly,* Vol. 72, p. 218; August, 1893).

EARLE, A. M.—*Colonial Dames and Good Wives* (New York, 1895).

EARLE, A. M.—*Customs and Fashions in Old New England* (New York, 1893).

EARLE, A. M.—*Home Life in Colonial Days* (New York, 1900).

EARLE, A. M.—*The Sabbath in Puritan New England* (New York, 1891).

GOODSELL, W.—*A History of the Family as a Social and Educational Institution* (New York, 1915).

HART, A. B., ed.—*American History Told by Contemporaries* (New York, Macmillan, 1898).—See Vol. II. *Building of the Republic, 1689-1783.*

HART, A. B., ed.—*Social and Economic Forces in American History* (New York, 1913).

HART, A. B., ed.—*Source Book of American History* (New York, 1903).

HINSDALE, B. A.—*Horace Mann* (New York, 1898).

HOLLIDAY, CARL.—*Woman's Life in Colonial Days* (Boston, Cornhill Pub. Co., 1922).

HOWARD, E. G.—*History of Matrimonial Institutions* (2 vols., Chicago, 1904).

KELSO, R. W.—*The History of Public Poor Relief in Massachusetts, 1620–1920* (Boston, 1922).

KNIGHT, S. K.—*The Private Journal of Sarah Kemble Knight. . . .* (The Academy Press, Norwich, Conn., 1901).

MACGILL, C. E.—"The Myth of the Colonial Housewife." *(The Independent,* Vol. 59, pp. 1318-1322. Dec. 15, 1910).

MARTIN, G. H.—*The Evolution of the Massachusetts Public School System* (New York, 1894).

MASSACHUSETTS COLONIAL SOCIETY, *Publications* (Vol. 6, Boston, 1904). (Vol. 7, Boston, 1905).

MASSACHUSETTS HISTORICAL SOCIETY, *Collections* (5th Series, Vols. 5-6-7, Boston, 1878, 1879, 1882; 7th Series, Vols. 7-8, Boston, 1911-1912).

MASSACHUSETTS HISTORICAL SOCIETY, *Proceedings* (Vol. 20, Boston, 1884).

RANKIN, J. E.—*Esther Burr's Journal* (Washington, 1903)—An imaginary diary.

SMALL, H. W.—"Girls in Colonial Schools" *(Education,* Vol. 22, p. 532. May, 1902).

STANTON, MRS. E. C., et al., editors.—*History of Woman Suffrage* (4 Vols., Rochester, 1889-1902).

STEDMAN, E. C. AND HUTCHINSON, E. M., editors.—*A Library of American Literature* (11 vols., New York, 1888).

TEMPLE, J. H. AND SHELDON, G.—*History of Northfield* (Albany, 1875).

TRUMBULL, J. R.—*History of Northampton* (2 vols., Northampton, 1898–1902).

TYLER, MOSES COIT.—*A History of American Literature* (2 vols., New York, 1878).

UPDEGRAFF, H.—*The Origin of the Moving School in Massachusetts* (New York, 1907).

WEEDEN, W. B.—*Economic and Social History of New England, 1620-1789* (2 vols., Boston, Houghton Mifflin, 1890).

WHARTON, A. W.—*Colonial Days and Dames* (Philadelphia, 1908).

WINSOR, JUSTIN, ed.—*The Memorial History of Boston* (4 vols., Boston, Osgood, 1882–1886)—Volume II deals with the provincial period.

WRIGHT, T. G.—*Literary Culture in Early New England, 1620–1730* (New Haven, 1920).

CHAPTER XIII

COLONIAL BUSINESS AND TRANSPORTATION

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Table of Population

Modern counties	*Area in sq. miles*	1765 *Population*	1765 *Density per sq. mile*	1830 *Population*	1830 *Density per sq. mile*
Suffolk	10.4	15982	1520	62163	5960
Essex	442	43524	97	82859	196
Middlesex ..	770	34940	45	77961	101
Worcester ..	1462	34167	23.3	84355	57.5
Hampshire ..	515	6429	12.5	30254	59.6
Hampden ...	546	9021	16.5	31639	57.7
Franklin	650	5999	9.2	29630	45.5
Berkshire ...	892	11306	12.6	37706	42.2
Norfolk	405	17682	43.5	41972	103
Bristol	514	26301	41.5	49592	96
Plymouth ...	570	25756	45	43044	75.5
Barnstable ..	324	12376	38	28514	88
Dukes	9.57	2346	23	3517	36.8
Nantucket ..	23.7	3320	140	7202	305
Suffolk & Norfolk	415	33664	81	104135	252
Total State..	7320	244149	33.2	610408	83.5
Indians		1569			
		245718			

Statistics (1765-1830)

As a preliminary to the study of business conditions it is necessary to know something of the number of persons af-

fected. However defective may be the population figures of Massachusetts in the eighteenth century, as in the case of all the colonies there is no ground to suppose that the elements of error are sufficiently large to invalidate the more general conclusions that may be drawn from such figures. A comparison with the figures of 75 years later will be helpful.

It is apparent from these figures that the colony was pretty sharply divided into two distinct sections,—the seaboard counties, which were relatively populous, and the interior counties, which at that time were very thinly settled. Commonly the travellers saw little besides the seaboard counties. As these counties contained the major part of the population, they constituted the predominant influence in the economic and political life of the province during the eighteenth century. The inland counties were a definite frontier of settlement and all the political and economic problems of the American frontier emerge in Massachusetts history during this period. The inland counties, consequently, cannot be ignored, but they should be distinguished and their problems given separate treatment.

The seaboard counties constituted two groups: Essex County with 97 persons to the square mile; Middlesex, Norfolk, Bristol and Plymouth Counties (which were very closely grouped) between 41 and 45 persons to the square mile. In the main, England was distinctly more populous than these five counties, but some interesting comparisons are possible. Essex County, Massachusetts, compares very closely with Cambridgeshire, Dorset and Hereford Counties in England and was definitely more populous than several of the midland and southern counties. The other group of Massachusetts counties was closely comparable to the northern counties of England; the North Riding of York, Westmoreland, Cumberland were slightly more populous than the Massachusetts counties, having 54, 49, 57 persons to the square mile, respectively. Some further European comparisons are possible. Essex County is in density of population equal to the Rhine province of Prussia and more populous than Silesia. The other Massachusetts counties, Middlesex, Norfolk, Bristol and Plymouth, were closely comparable with east and west Prussia,

and with Bohemia, Spain and Denmark. Boston was comparable to many of the provincial towns of England and to the smaller Prussian towns like Dantzig, Magdeburg, Elbing, Stettin, Potsdam, Erfurt, Posen, Halberstadt, Halle, Münster, Hildesheim, Emden, Brandenburg and Frankfurt-am-Main.

Vital Statistics

Prior to 1765, materials on the general population of Massachusetts are extremely defective. We have nothing better than crude estimates based upon the militia or the numbers of polls. Such data furnished no more than the crudest index of the growth of population. The figures available indicate a rate of growth which would have caused the population to double in a period of thirty-three years; and this rate seems to have been maintained throughout the period from 1700 to 1765. Such a rate is relatively high and has not been exceeded in the history of the state for any long period of time. It seems to be about equal to the rate of growth prevailing from 1820 to 1900 and considerably greater than the rate of growth from 1765 to the end of the eighteenth century. In the latter interval the general rate of growth would have caused the population to double in 46 years.

In so far then as growth of population can be regarded as an index of economic prosperity, conditions in the eighteenth century prior to the Revolution were closely comparable to conditions in the period of industrial development in the nineteenth century. Few regions of similar size have probably shown as continuous an economic development as Massachusetts.

The explanation of this continuous maintenance of a high rate of growth is probably to be found in the great diversity of the economic activities of the region. The prosperity of the state has at times rested upon essentially extractive industries and shipping; at other times intensive developments in the textile and leather fields have been primarily responsible for the economic development. The transition from commerce to industry was singularly long, so that the history of the state is free from sharp breaks in its economic life. Massachusetts, in the eighteenth century, was thus strikingly differ-

ent from the same state in the late nineteenth century, but it was relatively populous in the thoroughly settled portions and was hardly less prosperous than in later stages in its history.

The economic changes of the last century have altered the outstanding features of daily life to such an extent that some deliberate effort is now necessary, in order to put ourselves in the place of people living in the British colonies in the eighteenth century, whether in this country or in Europe. The mass of population has largely increased, the balance between town and country has been profoundly altered, notable changes have taken place in consumption and production. The external features of daily life have been completely transformed. We have come to think of these changes as fundamental.

Contemporary Accounts of Economic Conditions

The contemporary point of view is best expressed in the writings of travellers; and without attempting a comprehensive survey of eighteenth century travel in Massachusetts, two highly characteristic accounts of colonial conditions should be mentioned. Joseph Bennett came to America to reside a little before 1740, and prepared a substantial account of Boston which he subsequently sent to a friend in London as a letter. After a description of the harbor he says: "When we were upon the sea that part of the town [Boston] which lies about the harbor appeared to us in the form of a crescent, or half-moon; and the country, rising gradually from it, afforded us a pleasant prospect of the neighboring fields and woods.

"There are several families in Boston that keep a coach, and pair of horses, and some few drive with four horses; but for chaises and saddle-horses, considering the bulk of the place, they outdo London. They have some nimble, lively horses for the coach, but not any of that beautiful large black breed so common in London. Their saddle-horses all pace naturally, and are generally counted sure-footed; but they are not kept in that fine order as in England. The common draught-horses used in carts about the town are very small and poor, and seldom have their fill of anything but labor. The country carts and wagons are generally drawn by oxen, from two to six, according to the distance of place, or burden

they are laden with. When the ladies ride out to take the air, it is generally in a chaise or chair, and then but a single horse; and they have a negro servant to drive them. The gentlemen ride out here as in England, some in chairs and others on horse-back, with their negroes to attend them. They travel in much the same manner on business as for pleasure, and are attended in both by their black equipages.

"Their roads, though they have no turnpikes, are exceeding good in summer; and it is safe travelling night or day, for they have no highway robbers to interrupt them. It is pleasant riding through the woods; and the country is pleasantly interspersed with farmhouses, cottages and some few gentlemen's seats, between the towns. But the best of their inns, and houses of entertainment, are very short of the beauty and conveniences of ours in England. They have generally a little rum to drink, and some Indian corn roasted, and bread made of Indian meal, and sometimes a fowl or fish dressed after a fashion, but pretty good butter, and very sad sort of cheese; but those that are used to those things think them tolerable."

Conditions in Boston (1780)

For a slightly later date (1759–1760) we have the *Journals* of Andrew Burnaby. His itinerary took him through all of the seaboard colonies, but we are concerned only with Massachusetts. He entered the state from Providence, R. I. and describes his ride up from Providence. As it was early September, the season was fairly representative. He writes: "In the morning I set out for Boston, and arrived there about sunset, after a journey of five and forty miles. The country, which I travelled over, is chiefly grazing ground, laid out into neat enclosures, surrounded with stone walls and rows of pseudo acacia or locust trees, which are said with their leaves to manure and fertilize the land. . . . Boston, the metropolis of Massachusetts Bay, in New England, is one of the largest and most flourishing towns in North America. . . . The buildings in Boston are in general good; the streets are open and spacious and well paved; and the whole has much the air of some of our best country towns in England.—The country round about it is exceedingly delightful, and from a hill, which

From the unique original in the British Museum; courtesy of John H. Edmunds, Esq.

BOSTON, 1732–1736

stands close to the town, where there is a beacon to alarm the neighborhood in the case of any surprise, is one of the finest prospects, the most beautifully variegated, and richly grouped, of any without exception that I have ever seen. The chief public buildings are three churches; thirteen or fourteen meeting houses; the Governor's palace; the court-house, or exchange; Faneuils-hall; a linen manufacturing-house; a work-house; a bridewell; a public granary; and a very fine wharf, at least half a mile long, undertaken at the expence of a number of private gentlemen, for the advantage of unloading and loading vessels. Most of these buildings are handsome: the church, called King's Chapel, is exceedingly elegant; and fitted up in the Corinthian taste. There is also an elegant private concert-room, highly finished in the Ionic manner. . . .

"Arts and sciences seem to have made a greater progress here than in any other part of America. Harvard college has been founded above a hundred years; and although it is not upon a perfect plan, yet it has produced a very good effect. The arts are undeniably forwarder in Massachusetts Bay, than either in Pennsylvania or New York. The public buildings are more elegant; and there is a more general turn for music, painting and the belles lettres. . . . However, Massachusetts Bay is a rich, populous, and well-cultivated province."

Agriculture

Agriculture inevitably played an important part in the life of Massachusetts in the eighteenth century, but it is important to recognize that it was definitely not the basis of the economic growth of the region. Probably the inland counties were relatively self-contained in respect of the primary agricultural products consumed; but it is certain that the maritime counties, containing 65% of the total population in 1765, were dependent upon substantial importations of primary staples such as wheat, pork and even Indian corn. Wheat could not be profitably grown in Massachusetts on account of rust, and its culture was well nigh abandoned after 1670. It was regularly imported from the other colonies of the seaboard: especially, from Virginia, New Jersey and New York. No region at that time could have been less dependent than Massachusetts upon

its direct argicultural production. As in most regions ill-adapted to arable agriculture, livestock was the chief reliance of the farmer. Considerable numbers of horses, cattle and sheep were kept and some swine, though the number of swine was small. The extent of stockraising is best indicated by the valuation returns made by the assessors, but unfortunately we have only fragments of the returns prior to 1767. Totals of livestock are given for 1735 by a contemporary historian and fragments of the valuations of 1760 and 1767 are still available in the Massachusetts Archives, and from them are derived the following figures:

LIVESTOCK IN MASSACHUSETTS (1735–1767)

	Population	Horses 3 years and over	Oxen 4 years and over	Cows 3 years and over	Sheep 1 year and over	Swine 1 year and over
Province (1735)	145000	27420		52000	130000	
Counties (1767), viz.						
Suffolk County	17682	2170	2879	8692	18592	354
Essex County	43524	3431	4930	13623	26940	1292
Middlesex County	34940	3691	6230	15789	23110	1078
	96146	9292	14039	38104	68642	2724

The interpretation of these figures is difficult because our modern census figures distinguish different age groups of animals. The census distinguishes sheep of one year and over and neat cattle are distinguished at the age of two years; horses are likewise distinguished at two years; for swine no comparisons are possible as the census gives the total for all ages and there is no means of securing the probable numbers under one year. The probable number of cows three years and over has been computed for the years 1850 and 1900 and proportions per hundred persons have been worked out. These results indicate a relatively large number of livestock.

The larger number of sheep and horses in 1735 than in 1767 can hardly be taken as significant. The counties for which we have valuation returns in 1767 were the most populous counties in the province; and it would therefore be likely that the numbers of livestock would be somewhat smaller

than in the thinly-settled inland counties. Assuming, then, that it is not safe to base any conclusions on those differences, it would appear that eighteenth century Massachusetts would occupy an intermediate position between the highly specialized grazing districts of the later period and the districts more largely identified with intensive arable agriculture. The changes in agriculture are indicated by the changing proportions of livestock in the North Atlantic group as a whole. The tendencies are still more striking if individual states are distinguished, though the differences are of the same general character.

PROPORTION OF LIVE STOCK PER 100 PERSONS
(1735, 1767, 1850, 1900)

	Cows 3 years and over	Sheep 1 year and over	Horses (over 3 years)
Province 1735	36	90	18
3 Counties 1767	38	72	9
Census of 1850:			(age not specified)
Total U. S.	38	111	22
North Atlantic	22	88	13
South Atlantic	79	120	29
North Central	33	147	26
South Central	60	103	37
Mountain	800	234	20
Census of 1900:			(probably 3 years and over)
Total U. S.	32	52	18
North Atlantic	14	12	7
South Atlantic	16	16	8
North Central	35	38	28
South Central	43	23	19
Mountain	72	548	38

The valuation returns afford some clue to other aspects of the uses of land, but the returns for 1767 unfortunately record products rather than the acreages under the different classes of crops. Returns for two towns in 1760 give both acreage and

produce so that the acreage of tillage and of grass cut for hay can be computed without serious error.

USE OF LAND IN FARMS, 1760 AND 1767

Locality (1760)	Arable	Orchard	Cut for Engl. hay	Cut for Meadow hay	Rated as Pasture	Total
Milton . . .	339	129	785	464	2074	3791
Chelsea . . .	185	48	334	62	2267	2896
Counties (1767)						
Norfolk						
Essex						
Middlesex	42,000		35,000	59,000	192,000	328,000

It is not possible to estimate the acreage of orchards from the production of cider, so that no figure can be given for the counties enumerated in 1767, though there is no ground to suppose that the proportionate acreage would be very different from that of the two towns specifically enumerated. With such rough computation only outstanding features can safely be emphasized. The large extent of pasture is clear beyond any doubt, and the very substantial acreage devoted to forage as distinct from food crops can hardly be exaggerated in these figures. With only a tenth of the land rated for the property tax levied on tilled land, one must assume that the arable land constituted a distinctly minor element in the farm. We seem to be dealing with a type of mixed farming in which the tillage crops are reduced to a bare minimum and the livestock is treated as the primary concern of the enterprise. Probably the land cut for English hay was ploughed up from time to time and changed off with the other arable. One could not assume that the meadows were ploughed at all, or planted with any variety of artificial grass. There was a small amount of hay cut on the salt marshes in Norfolk and Essex Counties but the importance of this type of forage was confined to a small number of towns.

EIGHTEENTH CENTURY LAND SYSTEM

The land system of Massachusetts and New England generally presents some sharp contrasts to conditions in the other colonies. In Massachusetts the feudal concept of land

tenure was entirely abandoned. All titles were presumed to be freehold titles based directly or indirectly upon grants from the Crown and wholly free from all feudal incidents. In many instances titles passed by way of the colonizing company to groups of town proprietors and thence to the individual.

The township and its proprietors is perhaps as distinctive as the absence of all feudal tenure. For various reasons, partly social, partly military, there was little or no individual pioneering along the unsettled frontier. Towns were settled as units, and the promotion of towns was a kind of business enterprise in itself, particularly as the eighteenth century wore on. The entire area of the township was granted to a number of individuals who were incorporated as the proprietors of the town. They thus held in their corporate capacity the title to all the land. The detail of sale and allotment to settlers in the town was largely at their discretion.

The original settlers commonly received stated allotments, in proportion to buildings erected and land cleared. No attempt was made to allot to individuals the total area of the township, and thus large areas of undivided land remained under the jurisdiction of the town proprietors for considerable periods of time. Portions of this undivided land were used as pasture by the inhabitants of the village and such fields came to be called "Common Lands."

In the early stages of settlement most of the inhabitants of the town were original settlers and their descendants: no problem could arise as to common rights; but in the latter part of the seventeenth century many of the towns came to include numbers of inhabitants who were not recognized as having any direct right to a share in the property held by the associated proprietors. Thus arose a distinction between Commoners and Non-Commoners, between the proprietors of the town and the inhabitants of the town, between the meetings of the proprietors and the town meetings. The settlement and adjustment of these growing class distinctions was one of the most difficult social problems of the eighteenth century.

Although striking similarities can be established between the problems of the New England towns and the peasant villages of the old world, it is unsafe to attempt specific or detailed comparisons. The Commons of the New England towns

were, after all, somewhat different from the open field Commons and the Common waste of the English villages. The difficulties in the old world grew out of feudal tenure; the problems of the New England towns were a complex phase in the development of private property. In New England arable land seems not at any time to have been subject to common cultivation, though there were some grazing privileges after the harvest had been gathered.

The New England Commons were not at any time regarded as a permanent institution, but rather a temporary expedient designed to meet the circumstances of the frontier; and they were in many cases reduced in size or obliterated. So far as we have any record, the process of the division of the Common holdings is absolutely continuous. The area of many of the towns, however, was so large that considerable quantities of land remained available for use as pasture until late in the eighteenth century; and such Commons did not entirely disappear until the nineteenth century.

Proprietors and Commoners

Class conflicts between Proprietors and Non-Commoners began to appear in the late seventeenth century; the later and poorer settlers were seldom recognized as having any rights over the pastures. In many instances this discrimination was of no great significance, because such settlers were too poor to have any cattle to put out to pasture. The matter became acute only as such settlers accumulated sufficient means to feel conscious of the limitations of their position. Recognition of the problem appears in several forms. Plymouth Colony in 1682, and Massachusetts Bay in 1698, authorized the organization of the proprietors as a corporate body distinct from the town. Statutes were passed in 1713 and finally in 1753 defining in detail the position, rights, and duties of the town proprietors. These regulations defined the problem. The Non-Commoners joined issue very sharply because they took the ground that all inhabitants of the town had actual rights to the undivided land. In effect, the proprietors recognized this position; and in most towns persons owning a house and some cleared arable land, were admitted to the body of proprietors.

The most striking evidence of the essentially liberal policy of some proprietors is to be found in the Salem Records. In 1702 all cottagers in that town having rights prior to 1661 were admitted as Commoners; and in addition all freeholders having a dwelling house erected prior to 1702 were admitted as Commoners. A subsequent vote included in the group of proprietors all householders up to November 22, 1714; and there are grounds to presume that subsequent settlers were admitted to the body of Commoners after they had made a farm. Sixty acres were alloted for the use of the poor and for Non-Commoners, so that no villager would be without means of pasturing his cows. In Salem, the work of the proprietors in allotting land, admitting new members to the group, and making rules for the use of the undivided fields, extended throughout the eighteenth century. It is likely that the inclusive policy adopted at Salem was typical for the province as a whole. Acute conflict between the proprietors and other residents in the town seems to have been confined to a relatively small number of cases. Difficulties at Haverhill, Newbury, Duxbury and Billerica have been studied in detail; and it seems safe to say that there were no other instances in which strife went so far, though it is likely that friction existed in other towns.

Forest Products

The major part of New England was covered with forests at the time of settlement, so that lumbering operations were an indispensable feature of the preparation of the land for general agriculture. Lumbering came to rank with fishing as an immediate source of money income to the settlement; and for two full centuries the forests played a large part in the economic life of Massachusetts and the other New England states. Forest products found a number of distinctive outlets. Considerable quantities of lumber were required for the housing of the population; for the larger timbers the hardwood was used, whereas the boards, clapboards and shingles were made from pine.

Not a little lumber for house building was exported to the West Indies and sometimes to the Azores and Canaries. Massachusetts proper probably furnished small contributions

to this type of export in the eighteenth century; but the control of Maine gave Massachusetts large supplies of these types of lumber for export. Shipbuilding afforded the most important single outlet for forest products; the hardwoods furnished high-grade material for frames and primary planks, while the pines afforded materials for the smaller planks, masts, and spars. Tar, oakum and rigging could not be supplied in sufficient volume to meet the requirements of shipbuilding in New England, so that a full third of the materials utilized in ship construction were brought in from the outside. Barrel staves, commonly of oak, furnished an important item of export to the West Indies and to South Europe. Such products could be made out of the smaller wood and as supplies of sound oak were not abundant in either the West Indies or South Europe, such staves were in great demand to meet the needs of the sugar, wine, and olive oil trade. The staves were exported knocked down, to be made into hogsheads and casks at their destination.

Potash is a product closely associated with early stages in the exploitation of forest products; and it seems certain that small quantities of potash were prepared in the province from an early date. The methods of production, however, were crude and the colonial potash was so far inferior to the Russian and Scandinavian products that it was not an important resource for the colonists until the latter part of the eighteenth century. Substantial efforts were made to improve the processes of production, and also to provide for inspection to prevent adulteration and fraud; but it seems likely that large exports did not begin until after 1760.

Royal Regulation of the Forests

The development of the forests became subject to some of the characteristic restrictive measures of the mother country. Such restrictions had two objects: the reservation of the large pines for masts; and the production of naval stores such as tar, pitch, and turpentine. The policy was never well thought out, nor at any time effectively enforced. It took form during a period of diplomatic tension between Great Britain and Sweden, and was maintained thereafter without change,

despite the difficulties of enforcement in the colonies and despite the arrangement of commercial relations with Sweden on a basis which gave Great Britain a larger and cheaper supply of naval stores than could have been secured from the colonies even at the best. The net result was to irritate the colonists beyond measure, without securing significant benefit for the mother country.

The reservation of the great pine trees for masts was the most acute single problem. The Royal Navy had a genuine need for the very large trees, as the Scandinavian forests were no longer able to supply the largest sizes. New England was an almost unique source of supply for such large mast timbers throughout the eighteenth century. The Crown set up the theory that it might reserve for the navy all trees above a certain measure standing on land that had not been taken into private use. The Crown asserted further, that it did not regard the undivided lands of townships as taken into private use. The colonists treated this claim as an unjustifiable attempt to enforce feudal theories of land holding to their disadvantage, and they insisted that all lands granted to town proprietors were, in fact, private property and thus entirely beyond the control of the Crown.

Despite the appointment of a surveyor of woods, the Royal officials found it very difficult to compete with the lumbermen, who took especial pleasure in sawing the biggest trees into clapboards and shingles, in which form their size was no longer recognizable. For planks and boards, activities were confined to trees that remained just inside of the prohibitive sizes. The tactless attempts to carry out these restrictive measures brought out for the first time serious divergencies in concepts of constitutional rights, which ultimately led to the Revolution.

Shipbuilding

Shipbuilding experienced notable vicissitudes in the course of the eighteenth century. The years 1700–1740 were a period of great activity, especially in Boston where more than half the total tonnage was built. The next twenty years were marked by a substantial decline in the total volume of shipbuilding. More ships too were built in the smaller towns, and

the activity at Boston suffered a serious decline. The industry revived in the decade of the '60's, and by the close of the century had reached new levels of prosperity.

NUMBER AND TONNAGE OF NEW SHIPS

	BOSTON		MASSACHUSETTS	
Date	No.	Tons	No.	Tons
1710	21	1530	56	3520
1738	41	6324		(15800)
1749	15	2450		
1769		(2700)	137	8013
1770			149	7274

It is commonly supposed that shipbuilding was widely diffused along the coast in the early period, and this is true to the extent that ships were built at times in many small places. However, the number of ships built in these smaller places, was not very large, nor was there continuous activity. In many instances several years would elapse between the building of one small craft and the next.

These vessels, too, represented low levels of craftsmanship and still lower levels of honesty in the selection of materials. Lumber that was really unfit for shipbuilding was put into some of these vessels; and as there was no inspection such practices passed unnoticed. Systematic inspection of ship timber and lumber was provided at Boston in the course of the seventeenth century and the quality of vessels built in the Boston yards was notably higher. It is possible, therefore, that the low repute of vessels built in the colony was partly due to the careless workmanship of the contractors working in the small yards up and down the coast. Vessels built in Plymouth County in the North River yards, are cited as illustrations of the worst practice.

The costs of building in the colonies were relatively low. Towards the close of the period it was said that vessels could be built and equipped in New England for about eight pounds per ton; in the Middle Colonies for eight pounds, ten shillings; in the Carolinas for ten pounds, ten shillings. In England it is difficult to get accurate figures; but it seems that comparable costs in the yards on the River Thames were sixteen

pounds, five shillings per ton. The local yards in England showed costs about one pound per ton less than the Thames River yards.

The history of American shipbuilding has commonly made much of the development of the schooner in New England in the eighteenth century. This development is, properly speaking, a change in methods of rigging the vessels, which proved to be an especially useful modification for the conditions of navigation along the Atlantic seaboard. Circumstantial stories exist of the invention of the schooner at Gloucester; unfortunately they seem to be wholly devoid of foundation, despite the fact that they have been widely circulated for more than fifty years. Morris has shown that the developments of methods of rigging were continuous in European and American waters in the late seventeenth and early eighteenth centuries. No single changes occur at any moment which are worthy of being described as an invention; nor is the American development sharply distinguished from the European, until a relatively late date. The great vogue of what we now call the schooner rig must be ascribed to its peculiar adaptation to local conditions. The word "schooner," which the legends were at such pains to explain, cannot be accounted for.

Cod Fisheries

The development of fisheries seems to be dependent in great measure upon the location of the shipbuilding industry. Apart from casual fishing in coast waters, the location of the fishing banks is a matter of less importance than the possibility of constructing vessels at low cost. The more important branches of the fisheries have commonly been carried on at an appreciable distance from the home port. Three fairly distinct branches can be distinguished in the history of American fishing. The cod fishery is the oldest, and on the whole by far the most important. Whale fishing is of very large importance at particular periods, but this occupation was subject to notable fluctuations and only at rare moments did it approach the cod fishery in general importance. Mackerel and other small fish play a subordinate part throughout all the earlier history.

The cod fishery was one of the factors in the early settlements at Massachusetts Bay and Cape Ann, and furnished notable resources to all the Massachusetts settlements during the colonial period. This enterprise afforded employment to large numbers of relatively small vessels so that it constituted, in fact, a market for lumber and lumber products from the beginnings of the settlement. It employed a considerable number of men and thus contributed materially to the prosperity of several of the coast towns; and as almost the whole products of the fishery were exported, they played a large part in the export balances of the colony.

The best grades of fish were sent to southern Europe whence the returns were brought home partly in salt and wine, but chiefly in specie or bills of exchange. The low grades of fish were sent to the West Indies as food for the slaves, and the returns were ultimately brought home in rum and sugar. On account of the advantages of trade with the French and the Dutch Islands, the fish were frequently sold in the British Islands for specie, which was then taken to the French and Dutch Islands and laid out in sugar and molasses. The English Islands were thus drained of specie by the American trade, though little of that specie ever got beyond the foreign sugar islands. Except for the returns from the sales of negroes brought to the West Indies from Africa, only modest amounts of money seem to have come to the seaboard colonies from that quarter.

Although the cod fishery had been important during the seventeenth century, it increased significantly in volume after the Treaty of Utrecht, which gave new privileges to the American fishermen with respect to landing in French territory off the Grand Banks. Hence a striking development, from 1713 until the '30's. Marblehead grew rapidly in importance and became the chief center of the cod fishery. Gloucester, though beginning to be significant, was distinctly subordinate to its near neighbor. The French and Indian Wars interfered seriously with the development of the cod fishery, so that a significant revival occurred only after the Peace of Paris of 1763.

Whale and Mackerel Fisheries

The whale fishery was a matter of great economic importance throughout the early modern period, and did not lose its importance until the development of the mineral oils. Whales were sought for the small bones of the mouth, for their oil, and for ambergris, a pathological product sometimes found in the whales but more happily found in their near vicinity. It was sometimes used as a medicine, but more commonly as a basis for perfumery. It is worth $3.75 to $6.25 an ounce at the present time and individual pieces found floating on the ocean sometimes weigh as much as 130 pounds.

There are several varieties of whale, some yielding no bone, others yielding inferior grades of oil. The most valuable variety is the spermaceti whale, whose oil can be crystallized so as to produce a superior grade of candle. Even when used in the liquid form, this spermaceti oil is distinctly superior to the oil of the common whale. Whales were numerous in New England waters in the early period and it was not a difficult matter to capture them when sighted from land. Shore whaling of this sort prevailed at nearly all New England points from an early period in the settlement. But the island of Nantucket was particularly important in this kind of enterprise. The island was divided into four sections, to each of which six men were assigned as look-outs. When whales were sighted, boats put out to pursue them.

Such an enterprise was not a common type of whaling. English and Dutch whaling ventures involved relatively long voyages into sub-Arctic and Arctic waters. In its developed form, whaling was a type of enterprise closely assimilated in character to long distance foreign trade; but this type did not appear in New England until the eighteenth century was well advanced.

Deep sea whaling began about 1712, but was not predominant until 1730. The shore fishery still continued, but ceased to be of any great importance. The deep sea voyages were first extended to the Davis Straits, and finally about 1753 to the coast of Guinea; the former being called the North Fishery, the latter the South Fishery. The enterprise reached a high level of prosperity just prior to the Revolution, attaining

proportions which were not again achieved until 1820. The sharp decline of the enterprise during the Revolutionary and Napoleonic Wars may probably be attributed to the diversion of the ships and capital to other lines of trade. New Bedford did not take up this enterprise until about 1765, but considerable capital was invested in whaling by the outbreak of the Revolution.

The mackerel fishery begins in the early eighteenth century but was not a matter of great importance. The mackerel were used as bait, and some were used locally for food, but they were not cured and exported until after 1740. By the close of our period there was a considerable export of pickled mackerel to the West Indies, though they were not in high esteem. Some other types of fish were taken for local use but they did not constitute an important element in the fisheries.

Shipping Employed in Fisheries (1771)

Many casual statements appear in the contemporary sources which purport to give the quantities of fish taken or exported and the values of the product; nearly all of these statements are crude estimates, commonly inconsistent with each other. Some fairly reliable statements of the numbers of vessels and their tonnage are available for the close of our period, and they constitute the most accurate index of the magnitude of this enterprise and of the relative importance of its different branches. The following table furnishes some information.

TABLE OF FISHING VESSELS

Type of fishery	Number of vessels	Tonnage
Cod	665	25,630
Whale	304	27,840
Other	90	2,700
	1,059	56,170

It will be observed that at this time the whale fisheries employed as large a tonnage as the cod fishery though the number of vessels was considerably smaller. It is practically certain that this development of the whale fishery was rel-

atively new. The cod fishery, on the other hand, was not much more extended than it had been for a considerable period of time. It should be noted that the total tonnage employed in the fishery was almost as great as the tonnage employed in foreign trade, which amounted about that period to entrances of 65,000 tons and clearances of 70,000.

Massachusetts Industry

The primary features in the industrial occupations in Massachusetts in the eighteenth century were the predominance of unspecialized household work and of various types of craft work involving small amounts of capital. Occasional experiments with manufacturing enterprises on a fairly considerable scale give little information as to the industrial field as a whole.

In Massachusetts the outstanding industries were those connected with the manufacture of wood and leather. The crafts related to woodworking helped to work up the supplies of lumber, while the leather workers were processing and manufacturing the relatively large supply of hides produced by the greatly extended livestock interest. Craftsmanship within these industries developed very rapidly. In addition to these two large industrial groups, extensive developments in individual crafts were concerned with direct consumption, such as brewing, distilling, baking, slaughtering and meat-packing, together with crafts concerned with personal service and small luxuries.

Craft specialization was of course much more conspicuous in the towns than in the country villages at some distance from the coast. Boston, in particular, was an important industrial and trading center. It rose rapidly to a commanding position after the establishment of the province government and served as a real metropolis to the whole of New England. The chief industries were shipbuilding, distilling and sugar refining, meat-packing, tanning, and the manufacture of leather goods, such as shoes, leather breeches, saddlery, and gloves.

The period of the greatest prosperity of the town was brought to a close by the growth of distilling that came about after the passage of the Molasses Act in 1733. Illegal trade

was so much safer in the smaller ports of Rhode Island and Connecticut and of Essex County, that the trade of Boston suffered substantially. The shipbuilding industry was also subjected to pressure of competition from the smaller places, though the cause of the decline in shipbuilding in Boston itself is not apparent.

Meat-packing began to decline about 1745 by reason of competition with the inland towns. Large numbers of cattle were slaughtered outside of Boston, and at times neither the beef nor the hides passed through Boston as the trading center. Tanning and the manufacture of leather goods sprang up in the inland towns to the great detriment of the merchant families in Boston. Complaints of these economic difficulties begin to appear in the town records as early as 1746 and continue intermittently for the next ten years. Francis Bernard also comments on these changes as late as 1763. The population of the town, too, declined after 1742 and did not again equal the numbers of that date until 1790. It seems likely, therefore, that the complaints of the Bostonians were genuine, although they were undoubtedly biased by the hope of securing reductions of imperial taxation. Some of these changes would be a natural result of the gradual movement of population from the seaports to the interior towns.

Iron Mining and Manufacture

Outside of Boston, one of the most conspicuous individual industries was iron. Some iron ore was produced within the province from an early date, mostly from the swamps and bogs of Essex, Plymouth, and Bristol Counties. Such extraction of ore plays today so small a part in the iron industry that its existence is now almost overlooked; in the earlier periods at various times it was an item of considerable local importance. Such ores are produced by the action of water on the crystalline rocks, the iron being washed down with other alluvial materials. The iron naturally sinks to the bottom so that considerable quantities are concentrated in swamps, bogs, and shallow ponds. It can be collected with the simplest possible apparatus. After a swamp has been drained the ore can be shovelled up, and in case of lakes the ore can be fished

up with an oyster rake. These bog ores were the source of all the pig iron produced in Massachusetts until after 1760.

Such iron is too brittle for many kinds of products, but it lends itself particularly to castings because of its low melting point. These ores were the basis of the manufacture of kitchen utensils, stove grates and heavy castings. It is implied that some cannon were cast from these local ores, but that seems hardly probable, though cannon balls were made in considerable quantities from such metal. Despite the relatively small mass of these ores, they were not a negligible factor in the economic life of the colonial period.

Considerable quantities of iron were also imported from New York, New Jersey, and from Great Britain. Forges for working up these imports, as well as the local production, were established in many parts of the province. The oldest iron works were those of Essex County. There were works at Braintree as early as 1648, and also important forges at Raynham in Bristol County after 1652. In the eighteenth century an extensive development occurred in Plymouth County, notably at Kingston, Bridgewater and Middleboro. The best iron masters in the province turned out good grades of agricultural implements together with some fire-arms; and by the close of that period one or two works were capable of producing guns for ships or fortifications.

Woolens and Linens

Manufacture of the lower grades of textiles began in the seventeenth century. In 1656 an order of the General Court required every family to do some spinning and weaving. In 1698 a clothier was given a grant of 200 acres of land on condition that he give instruction in his craft. Considerable numbers of sheep were kept in the colony; at first on the islands for fear of wolves, but later on the mainland. The quality of wool was not of the best but the preparation of unfinished cloth must have been substantially established at the beginning of our period. The report of the Board of Trade in 1721 states that the requirements of all the country people were met by the product of this household industry. The use of imported cloth was confined to the women and gentlemen

of the coast towns. The attempts to improve the woolen manufactures in the course of the eighteenth century are concerned with the development of craft skill in finishing the cloth and the development of yarn suitable for fancy worsteds.

The linen industry was the source of not a little concern. Considerable flax was grown; at first, exclusively for its seed. It seemed a serious economic waste to make no attempt to utilize the fiber. There was substantial demand for fine linen, and the shipbuilding industry created a special demand for heavy sailcloth and duck. A manufacture of linen duck was begun in 1726 and after its accomplishments had been verified by a committee of the General Court, a bounty was granted to the proprietor of the establishment. There seems to be no ground for supposing that the manufacture came to be of any great importance.

The manufacture of fine linens was introduced into New England by a group of Irish who finally settled in Londonderry, N. H. Their success was a source of considerable encouragement and may have had something to do with the persistent attempts to establish the linen manufacture in Boston. A committee was formed in 1748 and £2300 were subscribed toward the establishment of a linen manufacture. A building was apparently leased, some spinning was done on the premises, yarn was purchased and some piece goods woven.

Corporate Manufactures

These efforts finally culminated in the formation of the "Society for Encouraging Industry and the Employment of the Poor." The title and the text of some of their resolutions would seem to indicate that they were genuinely distressed about the condition of the poor, but such sentiments were common in that period and were mostly an indirect way of expressing an ambition to make good use of cheap labor. This project, like others, contemplated the use of children from eight years and up. The Society had several meetings in the latter part of 1751 and in 1752. In June, 1753, a petition was presented to the General Court proposing that a large building be erected at the expense of the Province which should then be turned over to the promoters, rent free. The committee in

charge should be under obligation to furnish free instruction in the spinning and weaving of linen, and every town was to have the right to send at least one person to Boston to be instructed in these arts. The project was favorably received and a tax was laid on all pleasure vehicles in order to raise the money presumed to be necessary. The original estimate assumed that the building could be constructed for £1500.

As soon as the arrangements had been completed, the committee proceeded with the erection of the house; the building operations being financed by Thomas Gunter. The building cost £1824 and £422 was paid for the land. The returns from the tax on carriages fell far below the expectations, because it appeared there were very few pleasure vehicles in the province. The total receipts from the tax were £738. The Province was thus considerably in debt to Thomas Gunter, and as no arrangement seemed possible, it was agreed to sell the manufacturing house at auction with the expectation of applying the proceeds of the sale to the debt. This project fell through, because no bids were received. Thomas Gunter died, and in 1763 the executors were deeply concerned about collecting the money as no other hope existed of paying the legacies in his will, which were chiefly for charitable purposes. The settlement of these difficulties does not appear in the records, but apparently the Province did not succeed in getting rid of the manufacturing house. A small linen manufacture was established in the building in September, 1762 or earlier, by John and Elisha Brown. They offered to teach spinning and produced a modest amount of high-grade linen which was sold locally. A stocking weaver had a stocking frame set up in one of the attic rooms and both of these tenants continued in occupation of their premises until after 1770.

In that year, a scheme was brought forward for establishing a woolen manufacture in the house; and although some versions of the scheme contemplated the ejection of the other tenants, both of them seem to have remained and the woolen project was carried out in another part of the building. The woolen project which was promoted by William Molyneux was an ambitious scheme in its original conception. He proposed to create an establishment for spinning and weaving, dyeing and finishing that would keep as many as fifty looms

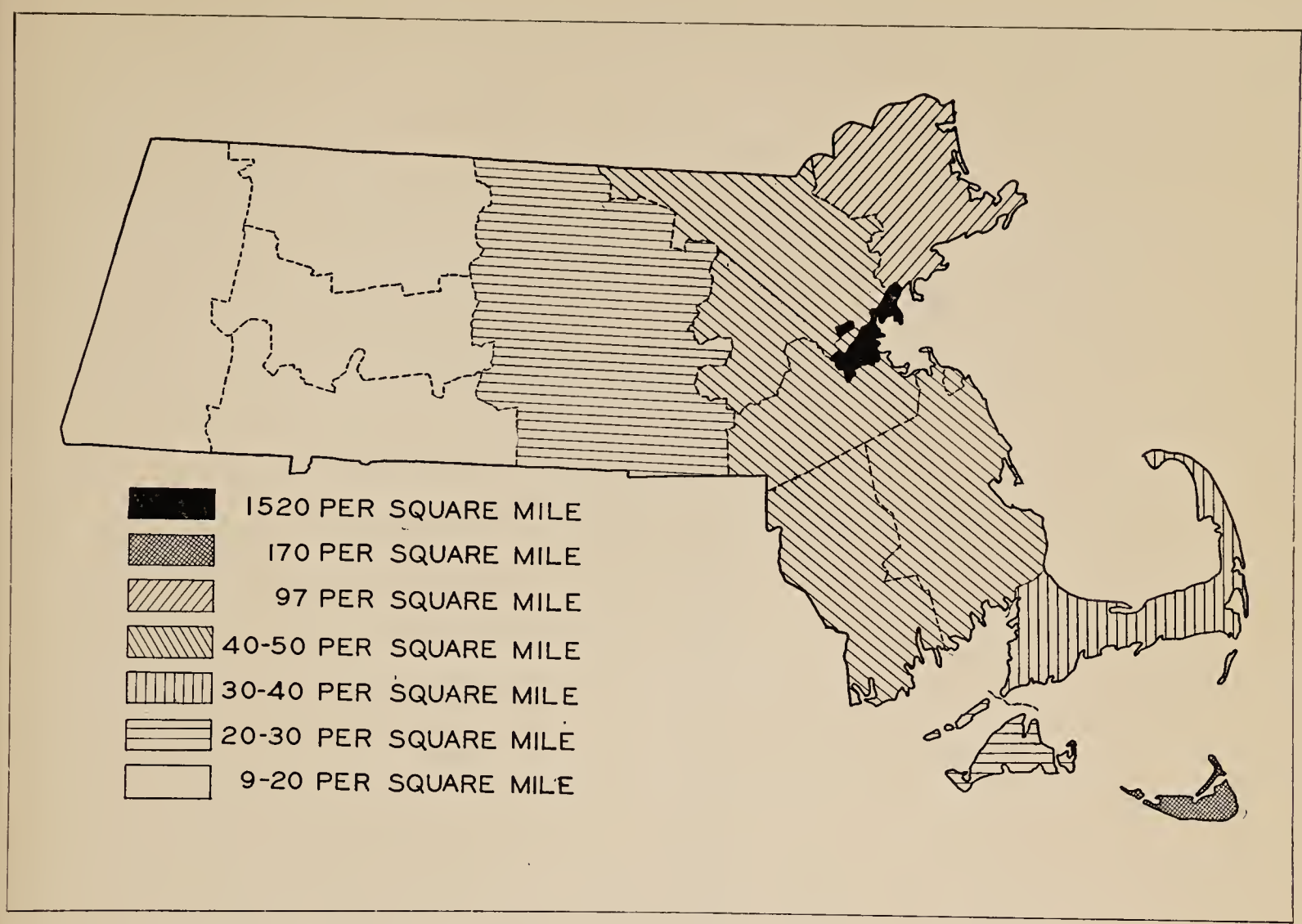
at work. The leases which were finally prepared required him to set up eight looms in the first year and two more looms within the next two years. The lease indicates specific commitment to the worsted industry. We do not know how much of this more modest project was actually executed, though the building seems to have continued in these industrial uses until it was purchased by the Massachusetts Bank in 1784.

Specialized Industries

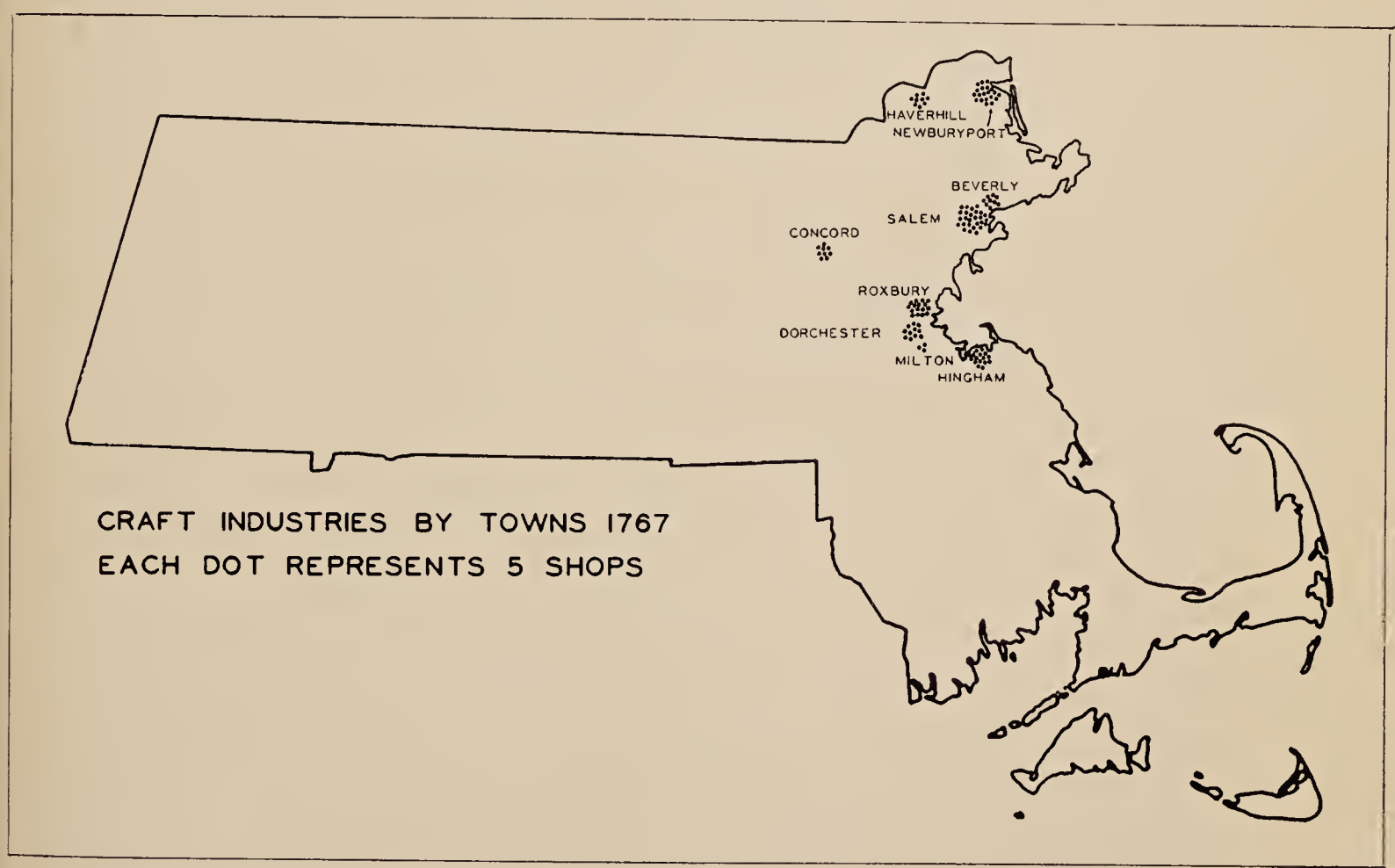
The oldest and most important of the smaller industries was printing. Presses were established at a very early stage in the settlement, and books were published long before the close of the seventeenth century. In the eighteenth century six or eight printers in Boston were doing an extensive and varied business. Binding was commonly associated with the printing houses. Finally the development of this industry led to attempts to establish paper mills in the province. An Englishman came to Boston in 1732 under an agreement that a paper mill should be started and entrusted to his management. The contract was not carried out as originally intended but some manufacture of paper was begun about 1735. The enterprise languished but was finally revived in 1764 by James Boies and Richard Clark, who received a grant of £400 from the province as a loan without interest to enable them to repair the paper mill at Milton. This mill seems to have been the effective beginning of paper manufacture in the province.

Glass works were proposed in 1750 and Isaac Winslow and his associates finally erected a glass house at Braintree in 1752. After work on this project was well under way, he petitioned the province for a complete monopoly for glass making in the province for twenty years. This request seems not to have been granted. Encouragement to industry was commonly given either in the form of grants of land, loans without interest, or as a direct bounty on production. A lively glass industry later sprang up at Sandwich on Cape Cod; and products of those works are still highly valued.

The valuation returns of 1767 afford striking evidence of the development of specialized craft industries. In addition to the numerous mills, large numbers of "work houses" are



Density of Population in Massachusetts, 1765



Early Industrial Massachusetts

enumerated. For Roxbury and Milton tan houses are listed, and it seems clear that the "work houses" of the general list are special premises for carrying on various industrial operations. One would assume them to be essentially similar to the small shops so common in the state in the later shoe towns, the so-called "twelve footers." The extent of this development is truly surprising, as shown in the following table:

CONDITIONS IN SOME TOWNS IN 1767

TOWNS	DWELLING HOUSES	CRAFT SHOPS
Roxbury	212	78 (tan)
Milton	137	16 (tan)
Hingham	387	81
Dorchester	197	55
Salem	519	136
Newburyport	390	99
Beverly	289	45
Concord	251	45
Haverhill	281	44

Foreign and Coastwise Commerce (1714, 1770)

Massachusetts controlled rather more than half the shipping of the seaboard colonies and played a large part in the commerce between the New World and Europe. Much of this trade passed through the hands of the local merchants, so that the total volume of shipping in the province was relatively large. Much scattered material exists which throws light upon the volume and character of the commercial movement; but comprehensive statements are rare, and are available only for the beginning and for the end of the period. The following figures of shipping cleared from Massachusetts, shown on the next page, are transcripts from the Custom House records, that found their way into contemporary documents.

Some substantial changes in the direction of trade evidently took place from 1717 to 1770. The trade to Southern Europe declined relatively to that in other directions; there were slight gains in the trade to Great Britain; but the relative positions of the West India trade and the trade with the other seaboard colonies were reversed. Incomplete figures available

elsewhere seem to indicate that the returns for 1770 are representative. References elsewhere give us the total number of ships cleared in 1747-48 and unless the size of the vessels were quite out of line with other figures, this would indicate a tonnage of 38,200 tons. The growth of shipping during the period is not extraordinary, but it is closely proportionate to the growth of population. We have an estimate of the values of the produce of New England exported for the year 1763. The figures seem trustworthy and representative, but it is unfortunate that they take no account of the exports of sugar, rum and molasses.

TABLE OF CLEARANCES OF SHIPPING

AVERAGE PER YEAR	1714–17			1770		
	Ships	Tons	Percentage of trade	Ships	Tons	Percentage of trade
Great Britain and Ireland	49	4021	15.8	103	13778	19.6
British and Foreign West Indies	195	10620	41.6	370	20957	29.8
Southern Europe and Africa	61	4366	17.4	74	5419	7.8
Continent of America	187	6397	25.2	787	30128	42.8
	493	25404	100.	1334	70284	100.

TABLE OF EXPORTS AND IMPORTS (1763)

The following incomplete table shows in groups the principal exports of the colony in 1763, in values:

COMMODITIES	VALUES £	PER CENT
Codfish	100,000	
Whale and cod oil	127,500	
Whalebone	8,450	
Pickled mackerel and shad	15,000	
	240,950	51.0

Commodities	*Values £*	*Per Cent*
Masts, boards, staves, shingles...	75,000	
Ships-70 sail at £700	49,000	
Naval stores	600	
Potash	35,000	
	159,000	33.4
Horses and livestock	37,000	
Pickled beef and pork	28,500	
Bees wax and sundries	9,000	
	74,500	13.6
	£474,400	100.0

The only figures for the exports of rum available are for the year 1773 when New England as a whole is credited with an export of 911,000 gallons, of which 419,000 gallons went to Africa, 361,000 gallons to Quebec and 111,000 gallons to Newfoundland. The figures seem not to include shipments to the middle and southern seaboard colonies.

Massachusetts imported most of the foreign goods used from Great Britain; since her exports to Great Britain were relatively small, heavy balances were due to British accounts. Trade statistics are not accurate enough to admit of a complete analysis of the balance of payments, but the larger features seem fairly clear. The balance due in London was met by the sale of ships to Great Britain, by the returns from shipping services rendered, by balances accumulated in Southern Europe, and by the balances from the slave trade. This last item was fairly complex in its detail; rum and other trade goods were sent out to Africa, the slaves were carried to the West Indies and sold partly to the British but also in the Spanish settlements. The returns whether in specie or in goods represented the extent of net credit balances in the West Indies. It is frequently assumed that considerable remittances to England were made in specie and that this was one of the sources of the currency difficulties.

Influence of British Commercial Policy

The commercial policy of Great Britain towards her colonists falls into three clearly distinct sections. The first restrictions upon navigation and shipping were designed to give a monopoly of British trade to ships belonging to any portion of the Empire. These statutes were not in any sense anti-colonial. It is difficult to believe that they were of much benefit to the colonies, as the New Englanders could build cheaper ships than any of the European shipbuilding regions; and the Navigation Acts could hardly be regarded as injurious to the colonies in this particular.

A second phase of British policy is embodied in those clauses of the Navigation Acts which were designed to force the colonies to trade exclusively with the mother country. These provisions are commonly thought of as anti-colonial, but there are grounds for also doubting that interpretation. This aspect of British policy seems to be largely designed to protect certain vested interests. Conspicuous among these vested interests were the British wholesale merchants; but the recognition of the interests of the colonies in direct trade to southern Europe and the evident regard for the West Indian sugar planters seems to show that we are dealing here with a manifestation of Parliament's desire to maintain all vested interests, British and colonial. Whatever interpretation is placed upon the policy as a whole, there are no grounds for supposing that these provisions were of any serious economic disadvantage to the seaboard colonies down to 1763. The serious restrictions originally directed against the trade to south Europe were removed, and though the seaboard colonies were nominally sacrificed to the sugar colonies in 1733, the restrictions were never effectively enforced so that the sacrifice was not consummated. The Molasses Act of 1764, however, did exercise influence upon the local situation, as it was commonly held responsible for the decline of the trade of Boston and the diffusion of the distilling. Illicit trade could best be carried on outside of Boston where there was less opportunity for direct supervision by the British Collector of Customs.

The third phase of British policy was restriction upon colonial industry, designed to confine production to raw ma-

terials and naval stores. This practice was certainly contrary to the general economic interests of the colonists; but these measures were irritating rather than restrictive. The proscribed industries were for the most part of little direct importance and the scope of such restrictions was in reality rather narrow. The restrictions upon the iron industry were probably the most serious and may have been a real disadvantage to New York and Pennsylvania, but hardly of much general significance.

Inland Transportation and Travel

Inland transport was not largely developed in the early eighteenth century. The dominant movement of trade was along the coast, and careful utilization of the rivers attended to the primary needs for heavy transport. Livestock transported themselves to market and the volume of goods moving towards the coast from the remoter inland towns was really small. Much traffic that is now sent overland, then moved by water; and consequently, the requirements for land transport were very modest.

No turnpike roads existed until the last year of the eighteenth century; but the dirt roads of New England were wholly adequate to the requirements of modest traffic except for short seasons of the year. Roads were laid out steadily during the eighteenth century and improved to a certain extent. There was considerable activity in the building of bridges especially over the smaller streams. Ferries were established on the larger streams and were, for a long time, the chief reliance of travellers.

Inns and taverns were widely diffused, and relatively accurate lists of them can easily be compiled from the records, as licenses were required for the sale of liquor. In all probability most of these inns were chiefly of local significance for the retail consumption of spirits. Accommodation for travellers was in that sense considerably in advance of demand. Travel was so infrequent that even in 1760 the traveller could not hope to secure any attention for himself until he had completely satisfied the curiosity of the inn-keeper's family and all the servants. Franklin found it convenient to collect the whole

staff as soon as he entered the inn, in order to satisfy their curiosity in the shortest possible space of time.

The limitations of inland transport were most seriously felt in connection with the transmission of news. A general colonial post was established under Royal authority in 1692, but development under this patent was slow and results were poor. The post was consolidated on an Imperial basis by a statute of 1711. Under this Act, a Postmaster General for the seaboard colonies was appointed and considerable improvements in the service were achieved. The extent of regular mail service was, however, quite restricted. In 1749 there were only 143 miles of post routes in the eastern counties of Massachusetts, and 89 miles in the western counties. Service was at best weekly, and in the winter it was not always possible to maintain a fortnightly service. After Franklin became Postmaster General in 1753, substantial reforms were carried out and the service greatly improved, but the effect of these achievements was not generally felt until the close of our period.

SELECT BIBLIOGRAPHY

Notwithstanding a wealth of monographic literature on the colonial period, few good general treatises on economic history have appeared. Much source material must still be carefully utilized. For this brief survey it has been necessary to make use of unpublished material in the Massachusetts Archives and the Sparks MSS. in the Harvard College Library. The important publications of the Record Commission of the City of Boston and various other printed records have been utilized. Excellent material exists in the town archives, and perhaps in those of the local historical and antiquarian societies. The most useful books are:

AKAGI, ROY HIDEMICHI.—*The Town Proprietors of the New England Colonies* (Phila., Univ. of Pa., 1924)—A carefully documented study of one of the most important aspects of the social and economic life of New England.

ALBION, ROBERT GREENHALGH.—*Forests and Sea Power, 1652-1862* (Harvard Univ. Press, 1926)—An extremely interesting study of the problems of the British navy, including a complete analysis of the forest legislation in regard to the colonies.

ASHLEY, WILLIAM JAMES.—"The Commercial Legislation of England and the American Colonies, 1660-1760" *(Quarterly Journal of Economics,* Vol. XIV, pp. 1-29, 1899-1900)—A study of the Navigation Acts by a noted English author.

BAGNALL, WILLIAM R.—*The Textile Industries in the United States* (Vol. I, Cambridge, Houghton Mifflin, 1893)—A minute record of the history of the textile industry during 1639-1810, dominated by antiquarian interests, using a variety of sources; important even to a general reader. No more volumes were published.

BEER, GEORGE LOUIS.—*British Colonial Policy, 1754-1765* (N. Y., Macmillan, 1907).

BEER, GEORGE LOUIS.—*The Commercial Policy of England toward the American Colonies* (Columbia Studies in History, Economics, and Public Laws, Vol. III, No. 2, N. Y., Longmans, Green, 1893).

BEER, GEORGE LOUIS.—*The Old Colonial System, 1660-1754* (2 vols., N. Y., Macmillan, 1912).

BEER, GEORGE LOUIS.—*The Origins of British Colonial Policy, 1578-1660* (N. Y., Macmillan, 1908)—These studies by Beer constitute the most complete and detailed analysis of important aspects of the history of colonial commerce and British policy.

BISHOP, JAMES LEANDER.—*A History of American Manufactures from 1608 to 1860* (3 vols., Phila., Young, 1866)—A minute antiquarian record of individual industries.

CHICKERING, JESSE.—*A Statistical View of the Population of Massachusetts from 1763 to 1840* (Boston, Little and Brown, 1846)—The most accessible source now available for the records of the Census of 1765.

CLARK, VICTOR SELDEN.—*History of Manufactures in the United States, 1607-1860* (Washington, Carnegie Institution, 1916)—The most extensive study of our early industrial history yet available; capable presentation, but less significant for the craft and household industries of the early period as he is more interested in the capitalistic developments of the early nineteenth century.

DOW, GEORGE FRANCIS, AND EDMONDS, JOHN HENRY.—*The Pirates of the New England Coast, 1630-1730* (Salem, Marine Research Society, 1923)—A well-documented and interesting account of piratical enterprise.

HALL, HENRY.—"Report on the Shipbuilding Industry of the United States" (United States: Bureau of the Census, *Tenth Census, 1880, Census Reports,* Vol. VIII, Washington, Government Printing Office, 1884)—Incomplete in many respects, but of fundamental importance to the student. Rather technical for a general reader.

LORD, ELEANOR LOUISA.—*Industrial Experiments in the British Colonies* (Johns Hopkins Studies in Historical and Political Science, Extra Vol. XVII, Balto., Johns Hopkins Press, 1898)—A useful account of the British restrictions upon industry. The chapters on the attempt to control the forests are now supplanted by Albion's more detailed account.

MCFARLAND, RAYMOND.—*A History of the New England Fisheries* (Univ. of Pa., N. Y., Appleton, 1911)—An unusually interesting and scholarly study of a subject frequently neglected.

MORRIS, EDWARD PARMELEE.—*The Fore and Aft Rig in America* (New Haven, Yale Univ. Press, 1927)—A scholarly study of a somewhat technical subject that will be interesting to any layman. Especially timely in view of the increased interest in the history of ships and shipping.

PITMAN, FRANK WESLEY.—*The Development of the British West Indies, 1700-1763* (Yale Historical Publications, Studies, IV, New Haven, Yale Univ. Press, 1917)—An interesting and thorough study of the development of the sugar colonies, important on the policy embodied in the Molasses Act, the commercial contracts of Massachusetts and the other New England colonies.

TOWER, WALTER S.—*A History of the American Whale Fishery* (Univ. of Pa. Publications, Series in Political Economy and Public Law, No. 20, Phila., Univ. of Pa., 1907)—The most readable history of whaling, though it adds little new material.

UNITED STATES; BUREAU OF THE CENSUS.—*A Century of Population Growth; 1790-1900* (Washington, Government Printing Office, 1909)—Presents a summary of early estimates of population, and computes figures for all the colonies by decades from the time of their settlement.

WEEDEN, WILLIAM BABCOCK.—*Economic and Social History of New England, 1620-1789* (2 vols., Boston, Houghton Mifflin, 1891)—Still useful, because the range of the author's information is remarkable, but many cogent matters are omitted.

CHAPTER XIV

FRENCH AND INDIAN WARS (1741–1763)

By George A. Plimpton
President of Trustees of Amherst College

Causes of War

The rivalry between France and England for possession of the eastern part of the North American continent in 1741 had lasted a hundred and twenty years and was to last for twenty years longer; but it was only a part of an international clash which was reflected on the continent of Europe, in the West Indies, and even in far-off India, and was made lively by an almost continuous contest for the control of the seas. The two springs of this century-long battle between France and England were the land ambitions of the French and the sea and the oversea ambitions of the English. Two successive periods of war were closed, as has been seen in an earlier chapter, by general treaties of peace—the Peace of Ryswick in 1697, and the Peace of Utrecht in 1713; and two more were to come—the Peace of Aix la Chapelle in 1748, and the Peace of Paris in 1763.

In every one of the wars terminated by these four peaces, which were little more than truces, the North American colonies of Great Britain were involved; in every one Massachusetts was a lively participant, as the most populous of the northern colonies, as a nursery of merchant shipping, privateers and fighting ships, and (through its possession of Maine) as the land neighbor of both Acadia and Quebec, outposts of French power.

A history of Massachusetts cannot include the detail even of the last two of the four periods of fighting. It must restrict itself to those stirring events by land and sea in which Massachusetts troops and sailors were actually engaged, and which

concerned the safety of the colony. Nor is it possible even to estimate the loss of men and ships and material, and the retarding effect of the constant subtraction of man power and destruction of the small stock of hard-earned wealth in Massachusetts. The purpose of this chapter is to review briefly the principal events in wars by land and sea between 1741 and 1763 in which Massachusetts had a part. Particularly it is important to bring out the spirit of the Massachusetts people and the methods by which their man power and money power, such as it was, were made available for the defence of the colony; and for the numerous offensive movements at sea on the northern coast, in the Lake Champlain region, on the St. Lawrence river, at Cape Breton, and even at far-off Niagara. The spirit of Massachusetts is revealed by extracts taken from manuscripts in the collection of the author of this chapter.

Rival Forces in 1741

In the early eighteenth century a candid thinker would have been puzzled to predict whether America would eventually become British or French. The part that Massachusetts played in making this country English can hardly be exaggerated. The situation in 1741 was as follows: France claimed, on the ground of discovery, all of Canada and all the land west of the Ohio River and the Allegheny Mountains to the Mississippi River, including New Orleans and extending eastward to Florida and westward to Mexico. This country was defended by forts at Louisburg, at Gaspereau, at Beau Séjour, Quebec, Montreal, Frontenac, Toronto, Le Boeuf, Logstown and later at Duquesne. In 1749 Count Céléron de Bienville nailed signs to the trees and placed lead plates along the Ohio River with an inscription in French that this was French territory and that trespassing was forbidden. Two of these plates are still in existence, one in the Virginia Historical Society, and the other at the American Antiquarian Society. The population of the French territory at that time was estimated at between 70,000 and 80,000 people.

The British Colonies and the Spanish possessions covered the rest of the eastern part of the continent. The British extended from the coast to the Ohio River, as far south

as Florida, and by the Treaty of Utrecht (1713) France admitted that the region occupied by the Acadians was British also. The British depended for frontier defense upon Fort Halifax, Fort Annapolis, Fort Canseau, Fort St. John, Fort Pemaquid, Fort Henry, Fort Edward, Fort Oswego, and Fort Cumberland. The population of the British territory which flanked the French possessions was estimated at 1,300,000 people.

Capture of Louisburg (1745)

Fortunately for Massachusetts, William Shirley was appointed Governor of the Province on May 16, 1741, to succeed Jonathan Belcher. Shirley had been a surveyor of the king's woods, which gave him an opportunity to study New England geography. In 1734 he became the King's Advocate General in America, and this meant that all of New England, with the exception of Connecticut, was under his jurisdiction.

In the year 1745 war broke out between Great Britain and France—often called "King George's War"; or, in Europe, "War of the Austrian Succession." The object of the French forces in America was to capture Nova Scotia and northern New England. A French expedition from Louisburg captured Fort Canseau, taking the prisoners back to Louisburg. A second force was sent to Annapolis, but fortunately this stronghold was reinforced and the effort failed. Governor Shirley, in view of these events, conceived the idea of sending a force to capture Louisburg. This idea to many seemed ridiculous; nevertheless he secured the approval of the General Court, and Massachusetts voted 3,250 men. Connecticut voted 500 men, and New Hampshire and Rhode Island 300 each.

Shirley appointed as commander William Pepperrell of Kittery, Maine, and second in command Captain Waldo of Boston. He also secured the cooperation of Commodore Warren, who commanded the British Fleet in American waters. The Reverend George Whitefield, then in America, told Pepperrell he did not think the scheme very promising, that if it did succeed the widows and orphans of the slain officers would be like lions robbed of their whelps; but if it pleased God to give them success, envy would endeavor to eclipse his glory. Pepperrell, however, continued with his arrangements. The

expedition consisted of thirteen armed vessels under Captain Edward Tyng, with about ninety transports and two hundred guns. The expedition sailed from Boston, March 12, 1744, under command of Pepperrell and Commodore Warren, and reached Canseau April 4. May 7, a demand was sent to the Commander in Chief of the French King's troops in Louisburg, promising "that all the subjects of the French King now in the said city and territories shall be treated with the utmost humanity, have their personal estates secured to them and transport themselves and said effects to any part of the French King's dominions in Europe."

The French Commander, Duchambon, stood out till June 14, when he capitulated. The number of killed on the French side was placed at 300, and on the English side 130. The capture of Louisburg, which was supposed to be impregnable, made a tremendous impression not only throughout the colonies but also in England, and in consequence of it William Pepperrell was knighted. A gilt cross, taken from a church, was presented to Harvard College, in whose possession it now remains.

June 20, 1745, on board the *Superbe* in Louisburg Harbor, Commander Warren writes to Pepperrell, suggesting a joint letter to the Duke of Newcastle that the officers and soldiers be rewarded for their service. The soldiers and sailors had expected great plunder, but by the terms of the capitulation were prevented from getting it. No substitute for the spoils of war was offered them, however.

Much to the disgust of the people in the colonies, Louisburg was restored to France at the peace of Aix la Chapelle in 1748, in exchange for Madras, India. The expedition had cost Massachusetts $261,700, which sum the British Government repaid by sending 200 chests of Spanish Dollars and 100 casks of copper coins.

The Albany Congress of 1754

From 1748 to 1754 there was constant warfare on the frontier. This was due to commercial rivalry, encroachment on our territory, and massacres by the French and Indians, who

also carried captives into Canada for ransom. These actions were confined to no one province. Something had to be done.

In view of these conditions the British Board of Trade and Plantations suggested that there ought to be a meeting of representatives of the different colonies to take concerted action with regard to a settlement with the Indians of the boundaries of the land they owned; and also to take steps to protect the colonists against the attacks of the French and the Indians. Accordingly twenty-five delegates from New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, and Maryland met at Albany in June, 1754. Massachusetts was represented by Thomas Hutchinson. The Indians of the Six Nations were represented by Chief Hendricks, who made the remark that "the French were men, but the English were women."

This Albany Conference was the first concerted effort to bring the colonies together into some form of permanent organization. Benjamin Franklin, delegate from Pennsylvania, drew up an elaborate plan of semi-federal government. It contemplated an appointment of a President General by the Crown. He was to have a Grand Council elected by representatives of the people in the several colonies to the number of 48. Massachusetts and Virginia were to have seven, Rhode Island two; no province was to have more than seven or less than two. Every three years there was to be a new election. The council was to meet every year, and could sit for six weeks; 20 men would constitute a quorum, provided there was one or more from each colony. The President could not initiate business but could veto the action of the council. He could also, with advice of the council, make peace or declare war on Indian tribes. He could lay general duties, impose taxes and issue public money, and do almost anything not repugnant to the laws of England. Military officers were to be nominated by the president and confirmed by the council. Civil officers were to be nominated by the council and confirmed by the president. The plan found no favor with the Board of Trade or with the Council.

Shirley's Plans (1755)

Governor Dinwiddie of Virginia in 1754 sent George Washington to Fort Le Boeuf in northwestern Pennsylvania to investigate the inroads of the French. Upon his report to the Governor, Washington was ordered to proceed to the frontier. Overwhelmed by the French and Indian forces, he was obliged to surrender to the French. Indians, both east and west, took up the side of the French, and war raged all along the frontier.

The attitude of Governor Shirley of Massachusetts and the common interest of Massachusetts with the colonies further south is brought out significantly in extracts from a letter to Governor Delancy of New York, February 24, 1755:

"It would be needless for me to observe to you how his majesties' colonies upon this continent are surrounded with the encroachment of the French. They have long since marked out for themselves a large empire upon the back of it, extending from Cape Breton to the Gulf of Mexico and comprehending the country between the Appalachian Mountains and the Pacific Ocean, with the numerous powerful Tribes of Indians inhabitating it and they are now finishing the extreme parts of a communication between Louisburg and Quebec across the Isthmus of Nova Scotia and Bay of Fundy at one end and a junction of Canada with the Mississippi by a line of Forts upon the Great Lakes and Rivers at the other. It has fallen to the lot of the most eastern colonies to be hemmed in by [a] part of their encroachments.

"His Majesty on taking the state of his Colonies in North America into his Royal consideration, was graciously pleased. . . . Colonel Lawrence and I have concerted measures for dislodging the French from their forts in Nova Scotia, and driving them out of that Province. . . .

"Mr. Dinwiddie, Governor of Virginia, in his letter to me, dated January (14th acquaints) me that his government had great dependence upon a strong Diversion's (being made) by Sr. Wm. Pepperell's and my Regiments this Summer, at some part of Canada (in favor) of the attempts of the Western Colonies to repel the French upon the Ohio, and (such a) Diversion of the French Forces must likewise greatly facilitate the Enterprise (for) driving the French from their encroach-

ments in Nova Scotia; it is most evident (that) at the same time the expedition in Nova Scotia, and the Schemes wh. principally employ the attention of the French, and a great part of their Forces upon the (Ohio) afford a most favourable opportunity for the four Colonies of New England, and (those) of New York and New Jerseys with their united strength to erect such a Fort near (Crown) Point, as may command the French Fort there, and curb the City of Montreal (itself). . . .

"Out of the 2,200 men, wh are raising for Sr. Wm. Pepperrel's and my Regiment, and 2,000 now raising for the Expedition to Nova Scotia, upwards of 3,000 of them will be taken out of this Province, wh with the 1,200 proposed to be raised in it for Crown Point will amount to considerably more than one eight part of its fighting men, and that they were at an heavy charge last year in carrying an Expedition upon the River Kinneneck, and erecting Fort Hallifax there wh as it is a great advance towards securing the principal pass into the heart of Canada over against their Metropolis of Quebec, and through which River the French have the shortest passage into the Atlantick Ocean of any River in North America must be deemed an advantage to all the Eastern Colonies in general.

"Your Honour will observe that the Assembly hath desired me to appoint an officer for the Chief Command of the proposed Expedition.

"The Gentleman I have thought of on this important occasion is Colonel William Johnson of Mount Johnson in the Mohawk Country whose distinguished character for the great Influence He hath for Severall Years maintained over the Indians of the Six Nations, is the circumstance, wh determines me in my Choice, preferably to any Gentleman in my own Government.

"But I am persuaded nothing more need be urged to Yr. Honour concerning the great importance of the proposed Expedition (than) that besides securing our Selves against future depredations of the French (from) their Fort at Crown Point in a time of War, We shall Wipe of the repro(ach) of the Colonies for Suffering that dangerous Encroachment upon his Majes(ty's) Territories to be at first erected, I should

have mentioned to Your Honour the two Houses of the Assembly in this Province have bound themselves to A(ct?) by Secrecy . . . . I thought proper to observe that Yr Honour may use Yr discretion in yt (point) with regard to the Assembly within Yr own Government, the Same (Union of) sentiments, and like Spirit, with wh the Colonies proposed to join in the present . . . . that the depredations . . . . from the French and their Indians at Crown Point, not only in time of war but (as well) in a time of peace, together with its present exposed State, will move yr Government of New York to an Hearty concurrence with the Massachusetts Bay in ye proposed Expedition."

Western and Northern Campaigns (1755)

At the suggestion of Governor Dinwiddie a conference was held at Alexandria, Virginia, in April, 1755, which was attended by Governor Delancey of New York, Governor Morris of Pennsylvania, Governor Sharp of Maryland, Governor Dobbs of North Carolina and Governor Shirley of Massachusetts. This was the first formal conference of New England and the middle and southern colonies beyond Maryland, and suggests the meeting of the Stamp Act Congress in 1765.

The conference decided upon four campaigns: First, General Braddock with two regiments and with a colonial force, assisted by George Washington, was to proceed against the new French fort, Fort Duquesne; second, an expedition against Crown Point on Lake Champlain was assigned to William Johnson, who was appointed Major-General; third, a campaign was planned for the capture of Fort Niagara under the command of William Shirley and Sir William Pepperrell: fourth, preparations were to be made for the removal of the Acadians and the capture of Fort Beau Séjour in Acadia under Major-General Monckton.

The result of Braddock's campaign against Fort Duquesne is a part of national history. It ended most disastrously. Braddock himself was mortally wounded on July 13, 1755, and his army massacred; George Washington barely escaped with his life. Frontier massacres continued; among those killed was Governor Shirley's son, who had acted as secretary to General Braddock.

Preparations were made all along the line to carry out the plans for the Crown Point Campaign. The attack on Crown Point was approved by the Massachusetts Assembly in February, 1755, and they voted money to pay 1,200 men, provided the other colonies would contribute their proportion. Forty-five hundred men, one in every eight of the adult males in Massachusetts, enlisted, some of them under the pay of the Province and some under the pay of the King. Connecticut voted 1,200 men, New Hampshire 500, and Rhode Island 400. This was Johnson's first service, but he had a strong hold upon the Indians of the Six Nations and in addition he had about 3,000 white soldiers. Among the officers were Phineas Lyman, who had been a teacher at Yale and who was second in command, Colonel Moses Titcomb, who fought at the capture of Louisburg, and Colonel Ephraim Williams, who had been a member of the General Court and also a deputy sheriff. At his death he left his property to establish Williams College.

The French were warned that the British were planning this campaign. Duquesne had resigned his post and the Marquis de Vaudreuil took his place and appointed Baron Dieskau to take charge of the defense of Crown Point with 3,500 men, including Indians. Crown Point was the pivotal point on the road to Lac Sacrément, which Johnson re-named Lake George in honor of the King. He also changed the name of Fort Lyman to Fort Edward, and erected another fort at the head of Lake George, which he called Fort William Henry. In the clash of arms Johnson failed to capture Crown Point, and some English troops were massacred by the Indians and French, who could not be controlled. But Dieskau was wounded and captured, which was enough to secure knighthood for William Johnson.

The failure to capture Crown Point was a great disappointment. Colonel Seth Pomeroy, of Massachusetts, who had been at the capture of Louisburg, thinking that he alone survived the conflict, wrote, September 8, 1755: "Come to the help of the Lord against the mighty. You that value our holy religion and liberties will spare nothing even to the one half of your estates."

Governor Shirley and Sir William Pepperrell had a little army at Albany, where they were making preparations for the

trip to Oswego and Niagara. They remained there so long that one of the Massachusetts men wrote home and said that it looked to him as though the rum, which it seems was a necessary part of the campaign, "would only last nine weeks."

Finally Shirley succeeded in reaching Oswego, but he could get no further because Fort Frontenac was still in the hands of the French. A conference was held, September 18, 1755; and it was decided to give up all attempts to capture Niagara. Shirley and Pepperrell left Colonel Mercer with 700 men to guard Oswego, and with the remainder of the army they returned to Albany. Thus ended the campaign against Niagara, the farthest western movement as yet undertaken by Massachusetts troops in colonial times.

The Acadian Question (1713–1755)

At the conference called by Governor Dinwiddie at Alexandria in April, 1755, the fourth military movement planned was the removal of the Acadians. By the Treaty of Utrecht in 1713, the French inhabitants in Nova Scotia, the Acadians, had been permitted to remain on their lands as subjects of Great Britain, with the privilege of enjoying their own religion. They were required to take oath that they would not take up arms against Great Britain; and they were also obliged to swear allegiance to the King. The French authorities and the French people never became reconciled to this situation, and influence was brought to bear to prevent them from taking these oaths. In return the Acadians induced the Indians to make raids against the northern settlements of Massachusetts. The attitude of the French authorities was indifferent, and even the Canadian government connived in this unsettling status of the Acadians.

The situation finally became so critical that Governor Shirley commissioned John Winslow on May 28, 1755, to raise 2,000 volunteers to carry out the plan agreed upon at Alexandria in April for scattering these people among the colonies. Before this date, on February 11, 1755, he gave written instructions to Colonel Winslow which are the basis of the removal of the inhabitants. The significant points of the document were as follows:

"1st: You are to enlist none but able bodied men, not under the age of seventeen years nor above forty-five.

"2nd: You are to give each Man at the time of his Enlistment two Dollars, in Part of ten Pounds Old Tenor, as Bounty Money, the Remainder to be paid thereafter their arrival at Head Quarters and Having passed Muster.

"3rd: You are to enlist each Man for one year from the Date of his Enlistment and to assure them that they shall in every respect be treated as other of his Majesties Forces, Serving with them.

"4th: That they will receive His Majest. Pay from the Date of their enlistment, and receive when they get to Head Quarters, Provisions, Clothes, and Arms and Camp Necessaries.

"5th: You are to assure them that they shall be discharged at the end of the Term, enlisted for, or sooner, if the Service will admit it.

"6th: You are to direct, and Order them that they be at Boston, without Fail, the Twenty-fifth Day of March next.

"7th: You are to enlist no Recruits, but such as you can be answerable for, as well for their appearing at their Head Quarters, as for their passing Muster at their arrival there, and for every Recruit, you shall produce, and accepted, you are to receive Six Dollars, and to be employed as so much in Discharge of the Money you have Received toward Recruiting, said Regiment, and no Further Expense will be allowed.

"8th: It is expected that the officers in this Service, in their different Ranks, recruit in the Following Manner (viz.) Each Captain 50 Men, each Lieutenant 25 Men, and each Ensign 15 Men.

"9th: Every Recruiting Officer is directed not only to make Return, but also to Send his Enlistments to Governours, Every Monday Morning of each week, of such Men as he raises, that the Service may not be Hurt, and that

Prefference will be given to the Industrious in this affair.

"Given under my Hand at Boston 12th February, 1755.

W. Shirley."

The Massachusetts volunteers were placed under the command of Colonel Monckton and sailed on May 2, 1755, in three small frigates, *Success, Mermaid,* and *Siren.* On the 26th of May they reached the Bay of Fundy. When the Acadians realized what was about to happen they sent to Louisburg for aid: but in the presence of the British fleet resistance was futile; and after a short struggle the Acadians hoisted the white flag and surrendered. The inhabitants were summoned to meet at a certain place, and they were notified that they must emigrate. The scene of their emigration and embarkation has been made famous by Longfellow's Evangeline. Five ships came to carry them away and seven thousand of these poor people were scattered among the colonies all the way to Louisiana. A few subsequently made their way back to Canada, but most of them remained where they were taken.

The suffering inevitable under such conditions is set forth in many contemporary documents. For example, the following extract from John Thomas, Surgeon in the Winslow Expedition:

"August ye 1 AD: 1755

11. Colonel Muncton Got 250 of the Inhabitants Into Foart Cumberland & Confined them major Bourn with 150 men Guarded the Greater Part of them to Foart Lawrence whare they are Confined major Prible with 200 men was ordered to Tantamar Capt. Perey with 100 men ware ordered to Point abute & Clake In order to Bring in what they Could Find Capt. Osgood Took a Smal Party as thay ware Driveing of thare Cattle & Brought them to ye Camp Capt Lues of ye Rangers marched this morning with a Party of our men to Cobigate Ramshak & Sum other viliges 150 miles Distant.

21. the Syren Capt Proba Arived here from Hallefax with 7 Transports under her Convoy In order to Cary the

French Inhabitants of Capt Gay arived from Boston in 63 hours Pasage.

25. 40 men Returned upon Party that have bin out with Capt. willard to Cobigate & thay Brought in Several Prisoners Burnt Several Fine Viliges.

30. Cloudy uncomfortable wather Capt. Gilbert Marched to the Bay of vert with a Party of 50 men to Bring in what Inhabitants he could Find and Burn thare Vileges."

Some of them were scattered up and down the coast. Here is a list of charges of the town of Bridgewater for Acadians quartered in the town from 1756–1757.

"An Acco't. of the Expenses the Town of Bridgwater hath been at, towards the support of the French in s'd Town from Nov. 8 1756 to June 10, 1757. Viz:

To 29 Cords Wood	£5.4.8
1 pr. womens Shoes	4.0
House Rent	1.1.4
Sundry Utensils	1.8.0
	£7.18.0

A true Acc't.

Thomas Wittie
Shepard Fisk
Thos. Whitman
} Select Men of Bridgwater

June 10th 1757

To Andrew Oliver Esq. Secretary of the Province of the Massachusetts Bay in New England."

Renewed Plans of Campaign (1756)

The conflict which had been going on for two years in America now spread to Europe, and war was formally declared by Great Britain against France on May 17, 1756; and, June 9, the King of France declared war against Great Britain. The European war was fought by two coalitions; on one side was Great Britain and her Prussian ally, Frederick the Great, and on the other France, Austria and Russia.

After the death of General Braddock in 1755, Governor Shirley received the high honor of appointment as Com-

mander-in-Chief of the troops in America. Something had been learned in England as to the lack of appreciation of colonial conditions by British officers sent over with little knowledge of the country. A conference was held in New York in December, at which colonial governors were present and plans of campaign were made for the year 1756. The general plan formulated was to raise 10,000 troops for another campaign against Crown Point, 6,000 for a campaign against Niagara, 3,000 for an attack on Frontenac, 3,000 to proceed against Fort Duquesne, and 2,000 to attack Quebec by way of the Kennebec River. Sir William Johnson was to undertake a special mission to the Six Nations. Shirley gave him elaborate instructions for placating the Six Nations who were the most formidable combination of Indians ever encountered by the northern colonists. He promised them protection from the French.

"You are to assure them in the Strongest terms that I shall do all in my power to protect them and their Allies from any Danger they may apprehend from the French and as the Building Forts in the Several Nations will not only Secure them from an Attack of the French or their Indians but will also more effectually fix them in the British Interest. You are to let the Indians of Cayuga and Seneca's Castles know that if they are desirous to have Forts built for the protection of their Castles as is done for those of the Mohawks; and the Tuscarora, Oneida and Onondaga Indians have desired me to do for them I will give orders for the Erecting of them and you are to take care that Forts are built as soon as may be for the Tuscarora, Oneida and Onondaga Indians, according to the Model herewith sent you in such places as you shall Judge most proper, and to supply them with whatever you shall Judge absolutely necessary for the Defense of such Forts, and if they should desire to have.

"You are to dispose them as much as you can, to be desirous of having English Ministers reside among them, in like Manner as the Mohawks have, for the Instruction of them in the knowledge of the Christian Religion, and performance of Divine Worship among them; as also to teach their Children the English Language; and to let them know that in such case I will order Chappells to be built for that purpose, and procure

Ministers to do the before mentioned duty among them and acquaint them that their Bretheren of the Mohawks Castles have found great benefit and satisfaction from it.

"You are to use every Expedient in your power to cultivate and Improve a good Correspondence with the Indians of the Six Nations, and their Allies and Endeavor to prevail on them to take part and Act with his Majesty's forces in such opperations as I shall think most Conducive to the good of his Majesty's Service."

Armed with these and other messages—with some threats—Sir William Johnson succeeded in winning the valuable alliance of the Six Nations.

The Massachusetts Troops (1756)

Great difficulty was found in raising the Massachusetts quota, for the old soldiers had not been paid, until Governor Shirley agreed to loan the Province of Massachusetts 30,000 pounds of the King's money, to be reimbursed from allowances made by Parliament or, failing that, from colonial taxes to be collected within the next two years. This proposal resulted in the raising of 3,500 men, and General Winslow was recalled from Nova Scotia to take command of the expedition.

At this distance of time it is hard to realize the difficulty of raising, equipping, provisioning, housing, and transporting troops. An illustration is a set of proposals laid at this time before Shirley by Winslow:

"That he Command the New England Provisional Troops.

That he be allowed the Sum of Eight Hundred Pounds, Sterling, in Consideration of his Giving up the Benefit of the Cloathing and other Regimental Perquisites and paid in Sterling Bills before his Embarkation, and without Deduction.

That all Regimental Charges as well forseen, as unforseen, be borne At the Cost of the Crown, and the Deductions to be made out of his Pay therefor.

That suitable officers be appointed such as can Raise the Men.

That the Companies consist of one Captain, two Lieutenants, one Ensigne, four Serjeants, four Corporals and 90 Private Men, and Enlisted for one year, from the time of their Embarkation, being Entrance upon Actual Duty.

That the same Pay be allowed the Officers of Every Rank, as is to other of his Majesties' Forces, Serving with them, and that two Months' pay be allowed before their Leaving this Porte, After the Companies are Compleated.

That a Sum of Money be advanced to each particular Officer, to enable them to Raise Men, they giving Bonds with Sureties, for the Applying the Money to that Use.

That the Officers enlisting the Men have two Dollars pr. Man allowed them for Extraordinary Expenses, and for Marching them to their Head Quarters, the said Officer to be at the Risque of all Directions, and for the Men's not passing muster or otherwise have a Reasonable Allowance for extraordinary Expenses and for Marching the Men.

That the Men be enlisted for one Year, and paid fifteen Pounds Old Tenor pr. Man (viz) Ninety Shillings pr. Man at the time of Enlistment, and Ten Pounds, ten Shillings at their Mustering at the Place of Rendevous, and that their pay Commence from the time of their Enlistment.

That each Mess Containing Six Men be allowed a lamp Kettle, a Bowl, and Plater, and the Officers of each Company two, and every Man a Spoon.

That each Man be allowed a Blanket, and I apprehend that there will be great Danger of the Men falling Sick, and Rendered unserviceable, if they have not also one Bed to two Men.

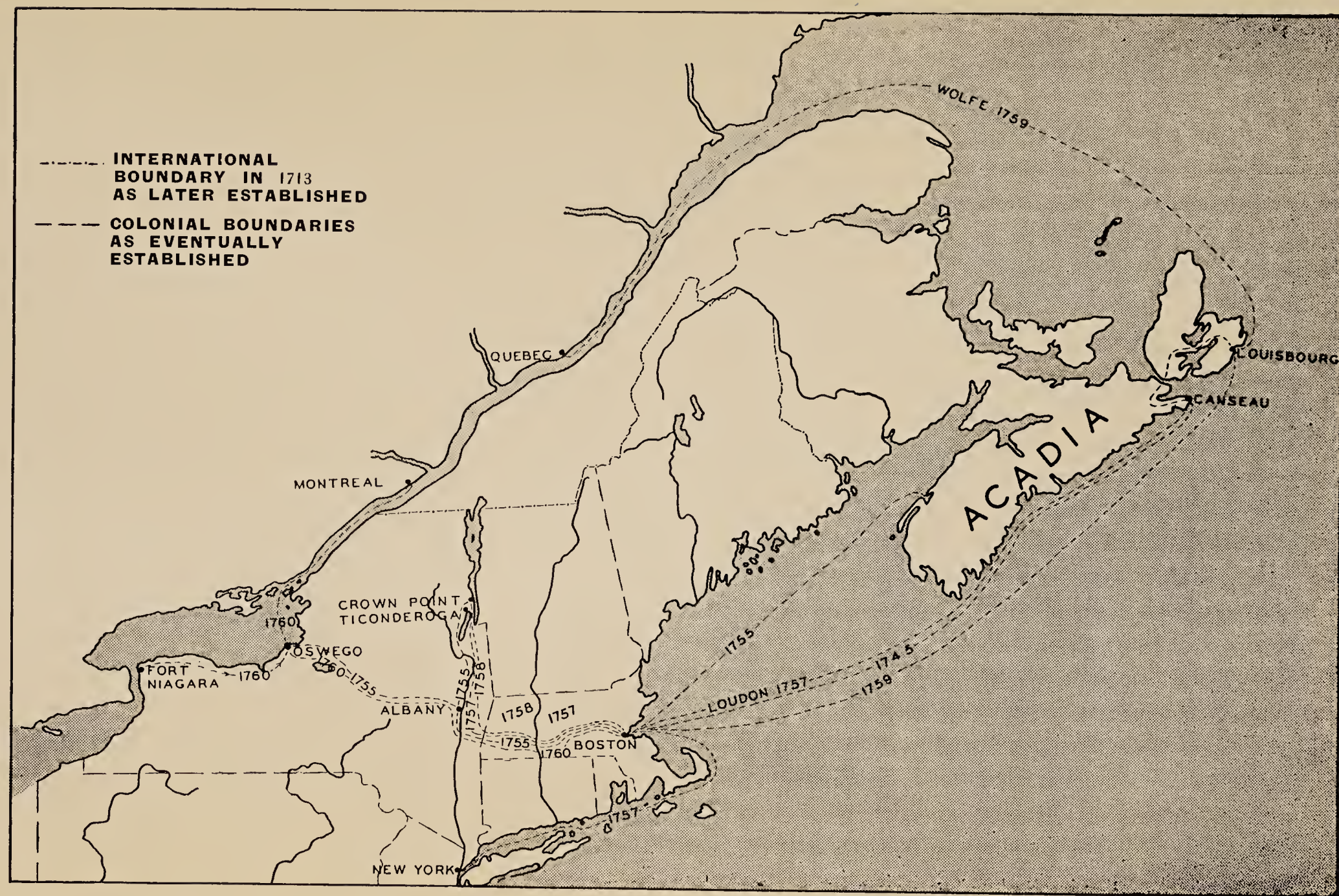
That they be allowed each Man, a Knapsack, and Banderlet.

That they be accoutred with the Kings Arms and Accourtrements.

That they be treated in every Respect as other of the Kings Officers Serving with them and dismissed at the end of one year, or Sooner if not wanted."

War Governors (1756–1769)

Shirley himself was anxious to take charge of the campaign against Oswego and Niagara, and had sent General Bradstreet only to prepare the way. But early in the year he was doomed to disappointment. There was more or less friction between him and Johnson, possibly due to jealousy; and Hardy, the Governor of New York, was dissatisfied and made repre-



Generalized Map of Principal Offensive Movements of Massachusetts Troops in the French and Indian Wars

sentations to the Home Government resulting in a communication to Shirley from Fox announcing that he was to be promoted to the governorship of Jamaica; that he would be succeeded by the Earl of Loudon as commander of the British forces in America; and that until the arrival of the Earl of Loudon the command of the army would be in the hands of General Abercrombie and General Webb, who were to arrive early in June.

Shirley was doomed to still another great disappointment, for he was relieved of the governorship of the Province of Massachusetts, and was succeeded by Lieutenant-Governor Spencer Phips, who was quite advanced in years. Phips was born at Rowley, Massachusetts, in 1685. He was the adopted son of the former governor, William Phips, and graduated at Harvard College in 1703. Phips remained as governor until his death in 1757, and was succeeded by Thomas Pownell, who held this post until August 4, 1760, when he was followed by Sir Francis Bernard, who was an English lawyer, graduated at Oxford in 1736; in 1758 he was appointed Governor of New Jersey, and in 1760 Governor of Massachusetts. When the division came he stood by the Crown and by his harsh methods hastened the Revolution. He prorogued the General Court because they would not provide supplies for the British soldiers. In 1769 he was recalled, much to the pleasure of the inhabitants, and made a baronet. He did much for the library of Harvard College.

July 23, Shirley met the Earl of Loudon in New York and soon after sailed for Europe. He held his place there only for a few years, when he resigned and returned to Boston, where he built a beautiful house in Roxbury, but died before he was able to live in it. Franklin claimed that Shirley would have made a much better campaign if he had continued in power. Franklin said of Shirley that, although not bred a soldier, he was sensible and sagacious in himself, attentive to good advice from others, capable of forming judicious plans, and quick and active in carrying them into execution.

A royal order was issued on May 12, 1756, reducing all the higher colonial officers to the rank of captain so long as they were serving in the same army with officers of the King. The colonists were greatly incensed, and it was only through the

influence of Governor Shirley that General Winslow and others were prevented from resigning. Washington protested against this order. The people of Massachusetts were so incensed over it that they instructed William Bolan, the son-in-law of Governor Shirley, who was the Colonial Agent of Massachusetts in London, to present a petition to have this order removed. In this petition he stated that the provincial soldiers "enlisted not for a livelihood but with the intent to return to their farms and trades, being chiefly influenced to take up arms by a regard for the honor of the King, the defense of their country, and the preservation of their religion and liberties." No action was taken until Pitt was at the head of the government.

Montcalm's Campaign (1756)

Learning the weakness of Fort Oswego and Fort Ontario, Montcalm, the ablest commander sent out by France during the war, in August, 1756, with a force of 3,000 men appeared before these forts, knowing that they were garrisoned by no more than 1,000 British and colonial troops. On August 14th he forced the abandonment of Fort Ontario; on the following day he stormed and captured Fort Oswego, dismantled both forts, and, having seized supplies and guns of Bradstreet's, returned to Ticonderoga. Montcalm did what he could to prevent the massacre of the British prisoners, but he was unable to control the Indians. This victory of Montcalm gave the French great encouragement all along the line, and practically closed the campaign for that year, which ended most disastrously for the British.

The diary of Captain William Bacon, of Dedham, Massachusetts, gives interesting facts on this campaign in the homely style of a provincial soldier. For example:

"May ye 9 march from Natik to Col. Buckmafter in framingham 7 mils and refrefh ourfelves and then went to mr Bridgmin the forenoon meeting in the forenoon and then between meeting march to mr Stone meeting houfe and tarry there in the afternoon meeting five mils in southbury then march from Southbury to weftbury four mile to Abraham Bruce may ye 9 march from Bruce to John Maynard at Weftbury 2 mile loge there that night.

"October ye 1 ye 1756 at the camp near fort wm Henary this Day I worked upone the collonals houfe and the mohakes came in and reported that thea Difcovered a large party of the enemy coming upon us and this evening their came a number of the new recruts and we have a number of our men foling tres

"October ye 4 ye 1756 at the camp near fort wm Henary this morning heefcout fet out at five a clok in the morning and this Day tu of our men that ware taken captive by the French came to us at this fort one of the men was Captain Rogers man that was taken laft fpring and the other is a Dutch man who was taken near Aafwago and thea fay that the french have prefed all both rich and poor that thea have and that thea are coming with an army of twelve or fifteen thousands with an artillary which tha took at afwago from us

"October ye 5 ye 1756 at the Camp near fort wm Henary this Day I worked upone the Collonals hous and we had a number of wagons came in this night with rum which was very exceptable

"October ye 9 ye 1756 at the Camp near fort wm Henary this Day was a Coart marfhal held at my tent and I was prafadant and captain and captain Bengiman williams and Leutenant Jacon and Leutenant Peck and infin Swing ware members to try tumen and one wee cleared and the other we gave fifty Lafhes for gitting drunk and leaving his poft when he was up one fentry.

"October ye 28 ye 1756 at the camp near fort william Henary this morning the wagons fet out for the half moon with the fick tu hundred and thirty fick men in fixty wagons and I head Samuel Colburn and Elezar Thar and John Hopper fet of in the wagons and this night wee had a heavy rain in the for part of the night and then cleared of very cold and this eving we had a poft came into this fort from Bofton the countifies has been ever fince lord Lowden arived at this place a frind to Lord Lowen

"November ye 7 ye 1756 at the camp near fort william Henary this being Lords Day and the text in the four non was in Proverbs the 5 chapter and the 11 vers and in the afternoon it was in Ifiah the 8 chapter and the 13 vers and this

night there came up twenty-fix wagons to this fort with a gard of tuhundred regulars with kings ftors

"November ye 8 at the camp near fort wm Henary this morning it fnoed and it proved a rany day and this Day I bought tu onions and gave four coppers for them and this day I Dined upone roft beaf an onions and this eving their came up to this camp nine ox carts to cary of our bageg

"November 25 ye 1756 this morning wee marched from the fton hous and it fnoed very faft and it coft mee for my supper and brexfaft three fhillings york monny and for my Diner one fhilling york mony and this Proved & very ftormy Day of fno and haill and this night I arived at Sheffeld and lodged at mifter Sheldens."

Campaign of 1757

In January Loudon met the governors of the Northern Colonies in Boston, and in March he had a conference with the governors of the Southern Colonies in Philadelphia. Pepperrell's success at Louisburg was still remembered as a great victory, and it was Loudon's own ambition to repeat that success and to capture Louisburg. With that end in view New England agreed to furnish 4,000 men, and Loudon withdrew some of his best soldiers from northern New York. Altogether he had nearly 12,000 troops and ships carrying 1,400 guns. He sailed from New York and disembarked in Nova Scotia without mishap, and there he spent six or seven weeks practising sham battles and planting cabbages, as he designed to spend some time on this campaign.

In the meantime the French discovered Loudon's plan and ordered their fleet to proceed against him. Loudon thereupon held a council of war and decided that a successful attack could not be made, and after six weeks' stay returned to New York crestfallen. The navy, however, under Admiral Holbourne sailed towards Louisburg, but could not induce the French to fight.

Lord Loudon had left Webb and Abercrombie with about 2,600 men at Fort Edward; and Lieutenant-Colonel George Monro remained with a small force at Fort William Henry. Early in July, 1757, Montcalm, learning of the conditions, appeared with his army before Fort William Henry. Mont-

calm's victory at Oswego drew the Indians from all quarters to his side, so that he had in addition to his troops 2,000 Indian allies, representing 51 tribes.

Munro was in a dangerous situation. He wrote for reinforcements, but received only Colonel Frye and 800 men from Massachusetts. He begged Webb to send him men from Fort Edward, but Webb was frightened almost out of his wits, and responded by ordering Munro to withdraw. But Munro could not bring himself to give up his fort. The inevitable catastrophe began when about three hundred of the colonial troops, who had gone out to reconnoiter in small boats, were surprised by the French and Indians and surrounded. On one of the prisoners, the French discovered Webb's order to Munro to withdraw from the fort. Montcalm wrote to General Munro:

"I owe it to humanity to summon you to surrender. At present I can restrain the savages and make them observe the terms of capitulation, as I might not have the power to do under other circumstances; an obstinate defense on your part could only retard the capture of the place a few days and endanger the unfortunate garrison, which, in consequence of the dispositions I have made, cannot be relieved. I demand a decisive answer within an hour."

By August 10, it was absolutely impossible for Munro to hold out any longer, and he surrendered with the understanding that his men should be protected. But the Indians knew only one course of procedure—they fell upon the surrendered troops. Montcalm, Lévis, and Bourlamaque, when they saw the massacres going on, rushed among the Indians but could not control them nor prevent the brutal massacres which ensued. The French, after the departure of the English, destroyed the fort.

The French now held the valleys of the St. Lawrence, the Ohio, the Mississippi. Great Britain held but a strip along the shore of the Atlantic.

The Indians made fearful forays into the heart of Massachusetts and kept the middle colonies in terror. The only force in the field to check them during the winter was Major Rogers and his rangers of Methuen. At the age of 23 he had organized and disciplined his company. Each man was clad

in gray duffle hunting frock, armed with firelock, hatchet and scalping knife, a bullock horn full of powder hanging under his right arm, a leather or seal skin belt from his left shoulder, and a small compass. During the winter Rogers made life very uncomfortable for the French and Indians. General Stark said that for presence of mind in time of danger he was unsurpassed.

A similar guerilla force was commanded by Israel Putnam. He was born in Danvers, but was living in Connecticut when the French and Indian War called him to arms. He was present at the capture of Baron Dieskau. He himself was captured later, barely escaped the stake, and was carried prisoner to Canada. After being ransomed he raised a band of rangers and their gallantry did much to stimulate the failing hearts of the Colonists.

Lord Loudon on his arrival in August, hearing of the capture of Fort William Henry, sent his troops up the Hudson, but he was too late to render any service. This ended the campaign for the year 1757, and it was the darkest hour of the war for the British.

Amherst's Campaign of 1758

The year 1758, however, opened auspiciously for the English, with the appointment of William Pitt, the Earl of Chatham, as head of the English Government. One of the first things he did was to withdraw the Royal Order of 1756 on colonial rank, so that colonial officers now took equal rank with the King's own. The recall of this order had a good effect throughout the colonies and especially in Massachusetts.

Pitt's plan of campaign was: first, to capture Louisburg; second, to capture Quebec; third, to capture Ticonderoga and Crown Point; fourth, to occupy Fort Duquesne on the Ohio; fifth, to prevent supplies from reaching the French.

He recalled Lieutenant Colonel Jeffery Amherst from Germany, and appointed him Major General in command of a land and sea force to attack Louisburg. He was noted as a brilliant soldier in the Seven Years War. Associated with him were Brigadier General Wolfe and Admiral Boscawen.

Wolfe also had experience in war on the continent. He was a captain at 17, major at 20, and major-general at 32.

After Louisburg had been restored to France by the Treaty of Aix-la-Chapelle, the fortifications were so strengthened that they were supposed to be impregnable. Nevertheless, under cover of the guns of Admiral Boscawen's fleet, a successful effort was made to land troops at the same place where Pepperrell had landed in 1745. A siege followed in which the skill displayed by Amherst and Wolfe, as well as the action of the fleet, was such that after seven weeks Chevalier de Drucour, the French commander, was obliged to surrender.

The administration in England, taking account of the campaigns in the north and at Cape Breton, recalled the Earl of Loudon; and Amherst was made Commander-in-Chief of all troops in America. The lateness of the season made it necessary to postpone the attack on Quebec, with the result that Wolfe returned to England to prepare himself for the campaign of the following year.

Abercrombie was appointed to take charge of the coming campaign against Crown Point and Ticonderoga. Pitt promised the colonies that if they would raise twenty thousand men, he would agree to furnish them arms, ammunitions and provisions. He also stated that Parliament would reimburse pay of the men, and he was supported enthusiastically by Massachusetts.

Abercrombie arrived, early in June, at the head of an army at Lake George with 6,000 regular troops and 9,000 provincials. Second in command was Lord Howe. He was, in some respects, the soul of the army. He began his campaign under favorable auspices, with three large divisions, each corps having its own flag and music; and also a large fleet of bateaux, whale boats, and flat boats for carrying artillery. The line of soldiers extended over six miles.

Not far from Ticonderoga the advance guard under the command of Lord Howe was met by 350 French under the command of Langy and Trelegac. During the engagement Howe was shot. His death demoralized the advance troops. They began to retreat, notwithstanding that they outnumbered the French three or four times. On the night of the

battle Abercrombie went to New York, leaving many of his wounded and supplies.

General Bradstreet finally persuaded Abercrombie, much against his wish, to let him make an attack on Fort Frontenac. On August 21 he reached Oswego, and the following day embarked his expedition and landed near Fort Frontenac. The French fortress was in bad repair and in charge of a comparatively small number of men. The English had no difficulty in taking it; they secured great quantities of provisions, and also destroyed the French vessels. This victory interrupted the French communication in the west and greatly unsettled the attitude of the Indians toward them at the farthest field of operation. Brigadier General John Forbes, assisted by George Washington, succeeded in capturing Fort Duquesne in November.

In consequence of the defeat of General Abercrombie, General Amherst's force sailed from Louisburg to Boston and camped on Boston Common, in June, 1758. Later Amherst marched with 10,000 troops to Albany. Here he devoted the fall and winter to drilling his men. He built Fort George, and made his plans for the campaign of 1759.

Capture of Quebec (1759)

According to Amherst's plans, Wolfe sailed from Louisburg June 1, 1759; and, supported by his army and the navy, commanded by Admiral Saunders, laid siege to Quebec. To protect Quebec the French had erected earthworks eastward as far as the Falls of Montmorency, a distance of ten to fifteen miles. The eastern line was commanded by the Duc de Lévis; the central by Montcalm; the nearest to Quebec by Governor Vaudreuil. They supposed that Quebec itself was impregnable and needed only a small number of troops. The French expected, and with good reason, that efforts to capture would be made against one of the other three points. Wolfe did land at the Falls of Montmorency opposite Montcalm; but all efforts at this point failed. The average commander would have given up the task as hopeless, especially as winter was coming on and it was absolutely necessary that something be done, and that quickly, or the navy would be icebound. Montcalm

avoided battle, hoping that time and winter would drive the enemy away.

Wolfe discovered a path above Quebec, leading to the Plains of Abraham up a declivity of two hundred feet. It was guarded by but few soldiers, for the French had been deceived by Wolfe's feints at Montmorency and had withdrawn most of the troops to the east of Quebec. He felt sure that, if he could get a few troops on the hill before the French could bring up their army, he could win a successful battle. It was a bold undertaking, and one that would seem absolutely impossible, to get 5,000 men and cannon up such a declivity with provisions and ammunition. Bougainville lay two or three miles above Quebec, with 3,000 men. Montcalm had said that the city was safe unless the enemy had wings.

Twenty-four men volunteered to make the ascent. When they proved that it could be done, the army followed man by man and formed up on the plateau without giving an alarm. The handful of French troops on the plateau were promptly overwhelmed; and by eight o'clock Wolfe, Monckton, and Murray and their men were in position on the Plains of Abraham. The memorable date was September 13, 1759.

Montcalm had heard of the exploit and succeeded in throwing 5,000 men between Wolfe and the city. During the battle Wolfe received three fatal wounds, Monckton a bad wound, and Montcalm was killed. The Massachusetts men who fought in this world-famous battle numbered four hundred. News of the victory created a great sensation throughout Europe as well as in America.

End of the War (1760–1763)

At the death of Wolfe, General James Murray was left in command at Quebec, and came near losing the fort. In April, 1760, Lévis with eight battalions of troops of the line, three thousand Canadian troops with artillery, and four hundred Indians, arrived almost at the Plains of Abraham before being discovered. After a fierce fight Murray won with a loss of over 1,000 dead.

Fortunately the arrival of the English fleet under Admiral Saunders compelled Lévis, the last commander of the French

troops in Canada, to withdraw toward Montreal. Murray left an army at Quebec sufficient to protect the fort, and with the rest of his men he marched on toward Montreal; but the year 1759 closed, leaving Montreal still the only stronghold in French hands.

Montcalm had withdrawn most of his soldiers from Crown Point and Ticonderoga in 1759; and the small garrisons which were left blew up and abandoned both Ticonderoga and Crown Point; and at the beginning of the year 1760 withdrew towards Montreal. General Amherst with about 10,000 troops followed up the Mohawk Valley and across to Oswego. There he waited until he was joined by the troops of Sir William Pepperrell and Sir William Johnson that had captured Fort Niagara. They embarked on the St. Lawrence River for Montreal. During this voyage forty-six boats were wrecked, eighteen were damaged, and 84 persons were drowned. Here the three forces, General Amherst from the west, General Haviland from the south, and General Murray from the east, compelled Governor Vaudreuil, in charge of the French troops, to surrender and sign a capitulation on September 8, 1760.

Governor Vaudreuil insisted on better terms of surrender; but Amherst replied, "I am fully resolved, for the infamous part the troops of France have acted in exciting the savages to perpetrate the most horrid and unheard of barbarities in the whole progress of the war and for other open treacheries and flagrant breaches of faith to manifest to all the world by this capitulation my abhorrence of such practices." There was great rejoicing all through the country. Governor Bernard of Massachusetts ordered a day of thanksgiving. Nearly all the ministers preached sermons of thanks.

At the close of 1761, the war was revived for a few months by the intervention of Spain in defense of France. However, this was largely a maritime war, and the most effective blows delivered against Spain were directed at her colonies. The British troops, left free by the successes against the French in America, took part in an attack upon Havana in August, 1762, by Admiral Sir George Peacock and the Earl of Albemarle. In this attack 4,000 Massachusetts and Connecticut troops practicipated. Morro Castle was taken on the 30th of September, and Havana surrendered on the 10th of October. At

Province of the Massachusetts-Bay,

By His Excellency the GOVERNOUR,

I Do hereby authorize and impower
to beat his Drums any where within this Province, for enlisting Voluntiers for His Majesty's Service, in a Regiment of Foot to be forthwith raised for the Expedition against *Crown-Point*,

And the Colonels, with the other Officers of the Regiments within this Province, are hereby commanded not to give the said
any Obstruction or Molestation herein; but on the contrary to afford him all necessary Encouragement and Assistance; for which this is a sufficient Warrant.

Given under my Hand at Boston, *the*
Day of 1756. *In the*
Twenty-ninth Year of His Majesty's Reign.

Wm Shirley

From the original in the possession of George A. Plimpton, Esq.

GOVERNOR SHIRLEY'S CALL FOR TROOPS

Fontainebleau on November 3, 1762, England, France and Spain signed the preliminary articles of peace, which were made definite in February, 1763. By the terms of this treaty England received from France all of Canada and the French islands with the exception of St. Pierre and Miquelon off Newfoundland. The accretions of territory in Florida and other parts of the world are not a part of Massachusetts history.

Recruiting in Massachusetts (1754–1763)

The territory of the Province of Massachusetts—except Maine—was not occupied or threatened during this long war. Nevertheless the colony pledged its resources, raised and expended large sums by taxes and loans, and raised great numbers of troops. No forced levies were ordered. The traditional method was to raise volunteers. An early form of appeal is the following prepared for recruiting officers, taken from an unpublished manuscript.

"Province of Massachusetts Bay
by his Excellency the Governor

"I do hereby authorize and enjoin to beat his drums anywhere within the Province for enlisting volunteers for his Majesty's service in a regiment of foot to be forthwith raised for the expedition against Crown Point. And the Colonels with the other officers of the regiments within the province are hereby councilled not to give the said any obstruction or molestation herein, but on the contrary to afford him necessary encouragement and assistance for which this is a sufficient warrant.

"Given under my hand at Boston day 1756, twenty-ninth year of his Majesty's Reign.

"W. Shirley."

When sufficient soldiers did not respond to the appeal by broadside, they employed officers to solicit and here is an account of the expenses of one such:

"An Acct. of Travel & Expenses in Mustering the Severall Companys here Mentioned in Coll. Samll. Willards Rigement

From Lancaster to Petersham—3 Days @ 6/...	£0	18.-
Horse Hire & Expences	0	15.-
Col. Whetcombs Company at Lancaster	0	6.-
Capt. Hunts Company at Lunenburge 1 day ...	0	6.-
Horse Hire & Expences	0	4.-
Capt. Prestons Company at Littleton 1 day....	0	6.-
Horse Hire & Expences	0	4.-
Capt. Woods Company at Hopkinton 2 days ...	0	12.-
Horse Hire & Expences	0	10.-
Capt. Brewers Comp. at Brookfield 2 days	0	12.-
Horse Hire & Expences	0	10.-
Darving & Returning List to Secra. office	0	8.-
	£5	11.-

"U Braule"

"Boston March 10, 1756"

Suffolk SS

Errors Excepted

March ye 10th 1756

Sworn to by Levi Willard Levi Willard

"Before me.

Saml. Math. J. Peace.

Under date of April 25, 1755, we have a statement of "Wages of the Army and Navy."

	£	S	D	
"Wages of Colonel	12	16	0	per month
Lt. "	10	13	4	
Major	9	1	4	
Commissary	3	4	0	
Captain 50 men	4	16	0	
Lieutenant	3	4	0	
Ensign	2	2	8	
Chaplain	6	8	0	
Adjutant	2	2	8	
Surgeon	10	0	0	
Surgeon mate	5	6	8	
3 Sergeants to each Co	1	14	1	

	£	S	D	
Wages of 4 Corporals to each Co	1	9	10	per month
1 Clerk to each Co	1	14	1	
Drum Major	1	14	1	
1 Common Drummer	1	9	10	
Armourer to each Regiment	2	0	0	
One engineer who shall be Captain	12	16	0	
One Lieutenant of Artillery	5	6	8	
One Second engineer	4	5	4	
3 sub, engineers each	2	13	4	
16 gunners	2			

8 shillings per week 15 miles from home"

In addition to their wages they were allowed the following items for food.

"April 28, 1755

"One pound of bread	day
" " " pork	"
1 jill of rum	"
½ pint of Pease or beans	"
½ pound of sugar	week
2 oz. of Ginger	"
1 pound of flour	"
1 pint of Indian meal	"
4 oz. of butter	"
1 pint of molasses"	"

Arms and Equipment of the Troops

Similar manuscript records bring out the character and quantity of arms and equipments—for example:

"1755 The Honorable Committee Warr to

Sept. 26	R. Hunt	Dr.
To 1 Entry from Barnard Shop to Sloop		.7
Nov. 28 To 4 Chests Armes from Phillips to mark A House		.4

1756

Apl. 22	To 2 Chests Armes from Mr. Cloud's boate to I. Wheelwright Stores	.2
" 24	To 13 Chests Armes from Mr. Cloud's boate to I. Wheelwright Stores	13
" 27	To 50 Casks Shotte from King 7 Casks Flinte to Brewster	9.6
May 14	To 7 Hgs. Rum 20 Hgs. Molasses to Groves	
	19 Hgs. Rum to Sloop at Hubbards	16.1½
	35 Hgs. Rum to Cushing from Armory	
		£4.3.7½"

"Boston Oct. 2nd, 1756

Gent'n.

Please to pay the above sum to Mr. Stephen Hall and you will oblige

Your Humble Serv't.
Reinard Hunt

Oct. 5th, 1756. Rec'd. of John Osborne Esq.
Four pounds 3/7 p. in full of the above
£4.3.7p Stephen Hall"

"The Honble Committee Wars
To Joseph Caleb.....Dr.

Decr. 5th
1755

To	100 Pair Snow Shoes .... at 6/8.....	33.6.8
	100 Pair Mogginsons .... at 4/	20.–
	20 Waste Leather for String for the above mogginsons & Snow Shoes at 6/3	6.5.–
	Lawfull mony	£59.11.8

"These Certifies yo. Hono. I have received ye above Snow Shoes & Mogginsons, and Leather into my Warehouse for yo. Province use.

Attest J°. Wheelwright"

"The Province of The Massachusetts Bay To Joseph Hand
1757 March 25th

To 150 Hatts Dilv Comtre of War 4/ pr Hatt .£30. 0.0

To Lacing for the above @ 4d pr	2.10.0
To Quality & thread	1. 3.1½
	£33.13.1½
Int. allowed	10.
	£34. 3.1½

Charlestown April ye 1st 1757
Errors Excepted Joseph Hand"

Massachusetts Soldiers in the Field

The condition, treatment, and experiences of Massachusetts troops in the field have been much neglected both by civil and military historians. Insight into the daily routine of the soldier may be gained from the manuscript of John Boyd.

"JOHN BOYD
His Orderly Book—1759
Fort Cumberland July 21: 1759

Perole Bradford Counter Sign Duxbury
The Main and Cover Guard as Usuel
The Spur to Consist of one Sub s Corpl and 21 Privits the Guard to Post thair Centeris as the Officer Shall be Shoed and Keep a Patrole as Usuel Whare as the Solders in Garison belonging to the Province of the Masechesets Bay have Refused to be at the trifiling Expence of two Pence Per Week Each Man for to have thair Molases Brued into bear and have Insisted upon haveing Molases Deliverd out to tham Under Protence thay Brew it tham Selues which thay have been Indulged in Some time that they Might Do So and it a Pearing now that in Stid of Using the Molases in that way which the Gouerner afore Sd. Desined thay Eat it with thair Vittils to Pregeduce of Thair Helth thair fore Nomore Molases is to be Deleverd to them & Capt Livermore Commesery of Sd. Provenshel Stores will Please to Gouern him Self acordingly
officer of the Day to Morrow Capt Slocomb
officer for Guard Ensign Eddy & Baker

Details

Morning Guard Sargents 1 C o 8 Privits
Night Guard S——— 0 C 1 10 P"

"Fort Cumberland Aguast 3, 1759
Perole Storey Counter Sign Nevis
Guard as Usuel

On the 21th of July Last on order was Isued dabaring the Solders in Garison of Molases which thay had A Castumed tham Salves to Eate Notwithstanding it was the Dissign of the Gouerner it Should be with Spruce Brued in to Bear which is a Very helthy Drink Sinc which Sum of the Solders Say if thay May have Molases thay will use it in that maner in order to Se if thay will Capt Livermore Commisery of the Masechusets Stores has Liberty to Issue Molases to the Trups in the Pay of that Province The aforesaid Orders Notwithstanding. But as the Solders have Apropencity to Eateing Molases which I find By long Experence which is Very Proivdicel to thair health the Captains and other officers in Garison are hearby Directed to use the utmost Endever to Caus the Molases to be Brued in to Bear that Maybe Isues in the Trupes as afore Said Than if the Solders in Spite of all Proctions Will Eat and Bring tham Selues in to Bad habit of body thay Must owne it is thair owne falt

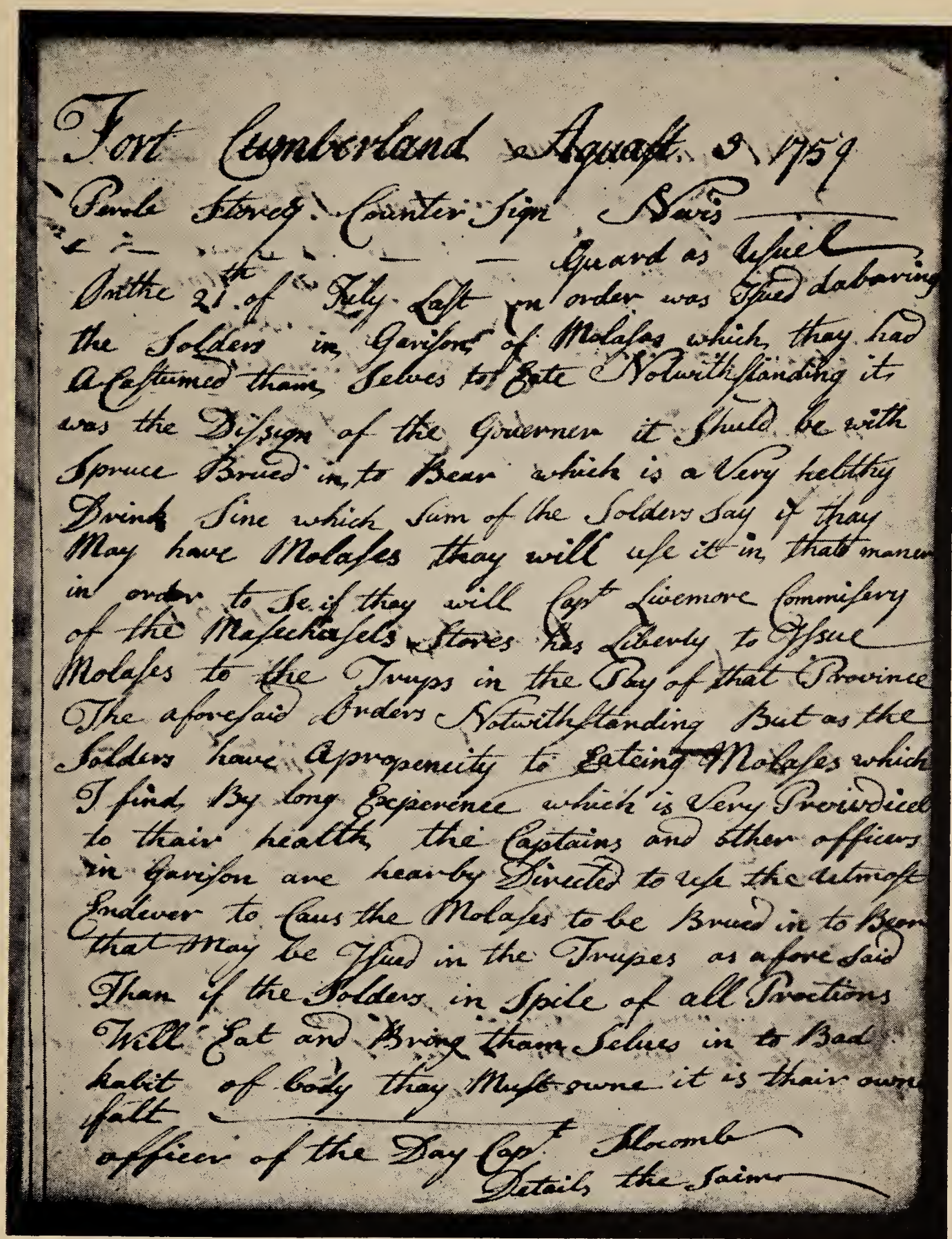
officer of the Day Capt Slocom
Details the Saim"

Military Land Grants

In addition to their regular pay, the troops at the end of their service received a bounty and a share in the booty, and in many instances a grant of lands, as is shown in the following document:

"WHEREAS his Majesty King George the Third has been graciously pleased to grant certain allowances of Land in North America to the reduced officers and soldiers thereby his proclamation of the 7 Oct. 1763.

AND WHEREAS we the subscribers hereunto are intitled by said Proclamation to Two hundred and fifty acres of Land, and made our appearance before the Lieutenant Governor of the Province of New York and had our Discharges Certified by him



Fort Cumberland Aquast 3 1759
Perole Storey Counter Sign Nevis
Guard as usuel
On the 21th of July Last an order was Issued dabaring
the Solders in Garison of Molases which they had
Acastumed tham Selves to Eate Notwithstanding it
was the Dissign of the Gouerner it Shuld be with
Spruce Brued in to Bear which is a Very helthy
Drink Sine which Sum of the Solders Say if thay
May have Molases thay will use it in that maner
in order to Se if thay will Capt Livemore Commisery
of the Masechusels Stores has Liberty to Issue
Molases to the Trups in the Pay of that Province
The aforesaid Orders Notwithstanding But as the
Solders have Apropeneity to Eateing Molases which
I find By long Experence which is Very Prowdicel
to thair health the Captains and other officers
in Garison are hearby Directed to use the utmost
Endever to Caus the Molases to be Brued in to Bear
that May be Issued in the Trupes as afore said
Than if the Solders in Spile of all Proctions
Will Eat and Bring tham Selves in to Bad
habit of body thay Must owne it is thair owne
falt
officer of the Day Capt Slocomb
Details the Saim

From the original in the possession of George A. Plimpton, Esq.

A Page from John Boyd's "Orderly Book"

NOW THIS INDENTURE witnesseth that we Francis McLane, Private Soldier of the 17th Regm't of Foot Reduced and John McDonald Sergeant of the 80th Regm't of Foot.

For and in Consideration of the sum of Sixteen Shill. Current Money of the Province of New York to each of us in hand paid by William Cockburn of the City of New York, the Receipt whereof we do hereby acknowledge for ourselves, our heirs Executors and administrators, do covenant grant and agree to and with the said William Cockburn, his heirs and assigns, that we will grant, Release and Convey into him the said William Cockburn or to any other Person or Persons whom the said William Cockburn shall appoint all our Right Title. Interest Property Claim and Demand of in and to the aforesaid Two hundred fifty acres of land as soon as Conveniently may be after the grant of the same shall have passed the seal of the Province of New York and we do further testifie that we have each signed a Blank Sheet of Paper to be applyed in any manner or way the said William Cockburn shall Direct in order to secure him in the Premises aforesaid. In Witness Whereof we have hereunto set our hands and seals at New York 9th April 1765.

his
Francis W. × McLane
mark

Signed and sealed in the
presence of us
David Thomson

J. McDonald

John Hall"

Thus did the Colonial soldier dispose of his land grant, and that too for an amount not exceeding the cost of a few pots of beer. The exact position of the land being undefined, it afforded an excellent opportunity by influence at the court of the royal governor to secure a most eligible allowance of land.

SELECT BIBLIOGRAPHY

(Much of this chapter is based on matter in the personal collection of George A. Plimpton.)

AKINS, THOMAS BEAMISH.—*Selections from the Public Documents of the Province of Nova Scotia* (Halifax, Annand, 1869)—These documents show why it seemed necessary to expatriate the Acadians.

BANCROFT, GEORGE.—*History of the United States of America; the Author's Last Revision* (6 vols., N. Y., Appleton, 1883)—See Vol. II.

BAXTER, JAMES PHINNEY.—*Pioneers of France in New England, with Contemporary Letters and Documents* (Albany, Munsell, 1894).

BROWN, THOMAS.—*A plain Narrative of the Uncommon Sufferings and Remarkable Deliverances of Thomas Brown, of Charlestown, How he was taken Captive and carried to Canada and from thence to the Mississippi* (Boston, Fowle and Draper, 1760)—Reprinted in *The Magazine of History with Notes and Queries,* Extra Number—No. 4.

CANADA: ARCHIVES.—*The Northcliffe Collection* (Ottawa, 1926)—A digest of papers that relate mainly to the fall of New France.

CHAUNCY, CHARLES.—*A Second Letter To a Friend, Giving a more particular Account of the Defeat of the French Army at Lake-George* (Boston, Edes and Gill, 1755).

DOOLITTLE, THOMAS.—*A Short Narrative of Mischief done by the French and Indian Enemy, on the Western Frontiers of the Province of the Massachusetts-Bay; From the Beginning of the French War, pro claimed 1744, to August 2d 1748* (Boston, S. Kneeland, 1750)—Reprinted in *The Magazine of History with Notes and Queries,* Extra Number—No. 7.

DRAKE, SAMUEL GARDNER.—*A Particular History of the Five Years French and Indian War, 1744-1749* (Privately printed, Boston, 1870).

DURELL, PHILIP.—*A Particular Account Of the Taking Cape Breton from the French by Admiral Warren, and Sir William Pepperrell. With a Description of the Place* (London, W. Bickerton, 1745)—Written in Louisburg harbor by the captain of H. M. S. *Superbe.*

DWIGHT, NATHANIEL.—*The Journal of Captain Nathaniel Dwight of Belchertown, Mass., during the Crown Point Expedition, 1755* (N. Y., Wright, 1902).

GIBSON, JAMES.—*A Journal of the Late Siege by the Troops from North America against the French at Cape Breton, the City of Louisburg, and the Territories thereunto Belonging* (London, J. Newbury, 1745)—An accurate journal by a Bostonian.

HANNAY, JAMES.—*The History of Acadia, from its First Discovery to its Surrender to England by the Treaty of Paris* (St. John, [N. B.,] McMillan, 1879).

HART, ALBERT BUSHNELL.—*American History Told by Contemporaries* (4 vols., N. Y., Macmillan, 1897-1901)—See Vol. II, chaps. XVIII-XX.

HIGGINSON, THOMAS WENTWORTH.—"The French and Indian Wars" (JUSTIN WINSOR, editor, *Memorial History of Boston,* 4 vols., Boston, Osgood, 1880-1881)—See Vol. II, chap. III.

HILDRETH, RICHARD.—*The History of the United States of America* (6 vols., N. Y., Harper, 1880)—See especially Vol. II.

HOLDEN, DAVID.—*Journal Kept by Sergeant David Holden of Groton, Mass., during February 20-November 29, 1760* (Cambridge, Wilson, 1889)—Edited by S. A. Green.

HOLMES, ABIEL.—*American Annals; or, A Chronological History of America* (2 vols., Cambridge, Hilliard, 1805).

HUIDEKOPER, FREDERIC LOUIS.—*Some Important Colonial Military Operations* (Society of Colonial Wars in the District of Columbia, *Historical Papers,* No. 8, Washington, 1914)—Treats of operations before Louisburg and in the Ohio Valley.

KNOX, JOHN.—*An Historical Journal of the Campaigns in North-America for the Years 1757, 1758, 1759 and 1760; Particularly The Two Sieges of Quebec, &c., &c., the Orders of the Admirals and General Officers, &c., &c., by Captain John Knox* (2 vols., privately printed, London, 1769)—Reprinted in the Champlain Society, *Publications* (Vols. VIII-IX, Toronto, 1914-1916).

LINCOLN, CHARLES HENRY, editor.—*Manuscript Records of the French and Indian War in the Library of the Society* (American Antiquarian Society, *Transactions and Collections,* Vol. XI, Worcester, 1909)—Contains MSS. of Sir William Johnson, Col. John Bradstreet, and others; also the Lieut. William Henshaw orderly book.

LINCOLN, WALDO.—"The Province Snow, *Prince of Orange*" (Amer. Antiquarian Society, *Proceedings,* New Series, Vol. XIV, pp. 251-305, Worcester, 1902).

MAHON, Lord.—*History of England from the Peace of Utrecht to the Peace of Versailles, 1713-1763* (7 vols., London, Murray, 1858).

MINOT, GEORGE RICHARDS.—*Continuation of the History of the Province of Massachusetts Bay, from the Year 1748* (2 vols., Boston, Manning & Loring, 1798-1803)—Covers the period to 1765.

PARKMAN, FRANCIS.—*The Conspiracy of Pontiac and the Indian War after the Conquest of Canada* (2 vols., N. Y., Dutton, 1908).

PARKMAN, FRANCIS.—*A Half Century of Conflict* (2 vols., Boston, Little, Brown, 1892)—Covers the period 1702-1748.

PARKMAN, FRANCIS.—*Montcalm and Wolfe* (2 vols., Boston, Little, Brown, 1885).

PEPPERRELL, SIR WILLIAM.—*Pepperrell Papers* (Mass. Historical Society, *Collections,* Sixth Series, Vol. X, Boston, 1899).

REA, CALEB.—"Journal of Dr. Caleb Rea Written during the Expedition against Ticonderoga in 1758" (Essex Institute, *Historical Collections,* Vol. XV, pp. 81-120, 177-205).

ROGERS, ROBERT.—*Journals of Major Robert Rogers: Containing An Account of the Several Excursions he made during the late War* (Privately printed, London, 1765).

SHIRLEY, WILLIAM.—*Correspondence, 1731-1760* (2 vols., N. Y., Macmillan, 1912)—Edited by C. H. Lincoln.

SHUTE, DANIEL.—"A Journal of the Rev. Daniel Shute, Chaplain in the Expedition to Canada in 1758" (Essex Institute, *Historical Collections*, Vol. XII, pp. 132-151, Salem, 1874).

SMITH, CHARLES C.—"The Wars on the Seaboard: Acadia and Cape Breton" (JUSTIN WINSOR, editor, *Narrative and Critical History of America*, 8 vols., Boston, Houghton Mifflin, 1884-1889)—See Vol. V, chap. VII.

WINSOR, JUSTIN.—"The Struggle for the Great Valleys of North America" (JUSTIN WINSOR, editor, *Narrative and Critical History of America*, 8 vols., Boston, Houghton Mifflin, 1884-1889)—See Vol. V, chap VIII.

CHAPTER XV

CONTROVERSIES OVER BRITISH CONTROL (1753–1765)

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The French Portent

In the struggle between the French and English for the possession of North America, the most vulnerable point in the line of English defence was the Hudson Valley. Since western Massachusetts reached that region, the province was individually concerned with the French danger from 1753 to 1761. Fortunately for the English the Hudson country was the home of the Iroquois Indians, longstanding enemies of the French. Like a buffer, their occupation of the upper Hudson and of what is now central New York kept the French away from the important valley, and also endangered the French line of communication along the lakes between the St. Lawrence and the Ohio.

With the approach of the great struggle for possession, which was clearly foreseen by both sides, preparations were on foot months before actual hostilities began. Among other things the French, with their superior aptitude in affiliating themselves with Indian life, were making what seemed to the English serious inroads on the loyalty of the Iroquois to their neighbors on the south. An exemplification of this pressure is the establishing by the French of a line of forts, twenty or thirty miles apart, with provision for maintaining in them the squaws and papooses while the braves should be away at war. The English on their side were strangely neglectful of their Indian allies. One of the Indians at the Albany Conference dramatically expressed the English treatment of his people by throwing behind his back an old stick picked up from the ground.

Proposition of Common Action (1753)

It was in view of this situation that the Lords of Trade, in a circular letter issued in September, 1753, called a conference at Albany with the Indians, and ordered the governors of seven of the northern provinces to arrange with their assemblies for the appointment of commissioners to meet and confer.

In Massachusetts, Governor Shirley sent a message April 2, 1754, to the General Court on the situation. "Coalition of the Colonies," he declared, "would be a convincing Proof to (the Indians) that they might safely depend upon His Maty for Protection, and confirm them in their ancient Alliance with the English." Asking for the appointment of commissioners to the approaching "interview" at Albany, the Governor desired that they be given full powers to agree with the other governments. As to quotas of money and men, he argued that "such a Union of Councils . . . may lay a Foundation for a general one among all His Majesty's Colonies, for the mutual Support and Defence against the present dangerous Enterprizes of the French on every Side of them . . . The colonies are superior in numbers and strength, but this without union will be of little avail."

A week later (April 9) the General Court replied to the Governor's message with one of its own, a custom of the time which has since disappeared from American legislative procedure. The danger from the French was faced. Without in terms mentioning the proposed Congress the following general expression of opinion as to the union was declared. "Your Excellency must be Sensible that an Union of the Several Governments for their mutual Defense and for the Annoyance of the Enemy, has long been desired by this Province and Proposals made for this Purpose. We are Still in the same Sentiments and shall use our Endeavours to effect it."

The cooperation of Massachusetts in the Albany Conference had, however, already been assured before this message of the Assembly. April 3, the very day of the receipt of the Governor's message, resolutions were passed to participate in the conference and £300 was appropriated to provide for a

present for the Six Nations and to defray the expenses of the commissioners.

A few days later Samuel Welles, John Chandler, Thomas Hutchinson, Oliver Partridge, and John Worthington, being two from the Council and three from the House of Representatives, were appointed as the commissioners. At different times before their departure these commissioners were empowered to treat with the New York commissioners over the boundary line between the two provinces; and also to pass upon the "squatter" rights of those who in the Stockbridge region had taken up land which had not yet been surveyed or deeded.

Massachusetts Commissioners at Albany (1754)

While the commissioners were "fully authorized and impowered to represent and appear for this Province," yet a committee of the General Court was appointed to draw up instructions for them from time to time—an interesting instance of how the colonial legislatures managed to keep many executive matters within their control. Among such instructions, presented to the commissioners as late as June 6, number 4 was as follows: "As the important ends of the proposed confederacy cannot be attained without a steady union of counsels, you are to endeavor that hereafter the several confederate governments by their commissioners have stated interviews (either annually or otherwise as the present commissioners shall judge to be necessary) and that the place or places as well as the times for such interviews be agreed on and ascertained."

The Conference, called for June 14, got under way at Albany June 17. Seven of the colonies as well as the Six Nations were represented. After due discussion, June 24, it was voted unanimously that "a union of all the colonies is . . . at present absolutely necessary for their security and defense." A committee was appointed "to prepare and receive plans or schemes for the union of the colonies and to digest them into one general plan for the inspection of this board." Thomas Hutchinson was the Massachusetts representative on this committee. Various plans were submitted and the committee made reports from time to time, which led to debates. Unfortunately no records of the tenor of these debates was kept in either the

Journal of the Conference or in the newspapers, all of which were weeklies. Nevertheless long excerpts were made in the Journal from the speeches passing between the English and Indian delegates to the conference, probably indicating a greater interest in this matter than in the question of union. The plan of union finally agreed upon closely followed a draft made by Benjamin Franklin of the Pennsylvania delegation. It is important in the constitutional history of the United States because some important features were later introduced into the first draft of Articles of Confederation drawn up by Benjamin Franklin in 1776.

The Albany Plan (1754)

The document laid before the Congress was the first proposal emanating from the colonial side of the ocean for a colonial union, since the termination of the New England Confederation in 1679. That it was a good suggestion is clear, for it included principles which were later embodied in the Federal Constitution. Much water was to go over the dam in later years before Americans were ready for the adoption of these principles.

The plan provided for a central government composed of a president-general and a grand council—the former to be appointed by the Crown, and the latter in the first instance to consist of representatives from the various colonies, roughly apportioned to the size of each. The total membership was to be 48.

To Massachusetts and Virginia were assigned extra large delegations. Nevertheless, after the first three years, colonial representation was to be in proportion to the amount of money appropriated from each colony to the treasury of the union, with the reservation that no colony should have more than seven or less than two. The Council members were to be elected by the House of Representatives in each colony.

The grand council was to have the power of taxation. This seems to have been a partial preservation of the English parliamentary principle that taxes must originate in the lower house. Governor Shirley wrote that this provision was made because the grand council was to have the "power to levy taxes upon

the people, which it is thought could not be exercised by any council whatsoever in the colonies which should not be wholly chosen by the people, or at least by their representatives, without raising a general dissatisfaction." This concession, however, was not sufficient to win the approval of the colonial lower houses to a plan which involved some loss of their control over taxation. No act of the grand council was to be effective unless it received the approval of the president-general,—a concession which did not satisfy the royalists.

As Governor Shirley pointed out, while the president-general had an absolute negative, he could initiate nothing without of the action of the grand council.

The powers of the proposed central government were specifically delegated by the document, the method followed later by both the Articles of Confederation and the Federal Constitution. These powers may be divided into three groups: the regulation of Indian relations; the making of war, although soldiers might not be drafted in any colony without the consent of its legislature; and the raising of taxes. In taxation, the central government was empowered to make direct imposition on the people, rather than on the colonial governments. This provision alone rendered the plan impossible of acceptance to the colonial assemblies, which refused to curtail their existing control over taxation. In the absence of any provision to the contrary the union inaugurated by the plan was intended to be permanent instead of merely to meet the emergency constituted by the French war then impending.

The Albany Plan in Massachusetts (1754)

The journal of the Albany Congress and the text of the plan of union were officially brought before the Massachusetts House of Representatives, October 19, 1754. Three days later a committee was appointed to take the plan under consideration. The matter came up for settlement, December 4. The committee made a report but was directed to sit again and "report such Plan of an Union as to them appears the most Salutary." According to the journal of the House, the Albany Plan was debated for the whole of the following two days. Unfortunately none of the arguments have been preserved. During

the next few days the matter was before the Council; December 12 it was back in the House. Here it was debated for three more days. Finally (December 14), the Albany Plan came to a formal vote and was defeated.

In the meanwhile the committee had been working on an alternative plan which would provide for two separate unions, one of the northern colonies and the other of the southern. This, the so called "partial plan," was put to vote immediately after the Albany plan but was also rejected.

Then followed a third decision, this time on a resolution as to "whether it be the Mind of the House, that there be a General Union of his Majesty's Colonies on this Continent, except those of Nova-Scotia and Georgia." This passed in the affirmative by the close vote of 41 to 37. In order to ascertain whether the feelings for and against union were governed by geographical considerations in different parts of the province, the present writer has aligned the vote by counties, as follows:

County	*Yes*	*No*	*No Vote*
Suffolk	6	4	6
Essex	7	9	2
Middlesex	9	9	3
Hampshire	2	1	6
Worcester	4	5	4
Plymouth	7	4	1
Barnstable	1	0	1
Bristol	4	1	4
York	1	4	4
Nantucket	0	0	1
Totals	41	37	32

It is evident, of course, that there was no predominant sentiment in any section of the province, as represented by the members of the House. The large number of members not voting may indicate lack of interest, or may be due to non-attendance. The difficulties of travel always greatly affected the attendance in those times. The resolution, thus passed by the close vote of 41 to 37, was an acceptance of the principle of

union. Although some specific features of the two defeated plans were unwelcome, the main issue was that the Colony then, and for thirty-four years to come, was not ready to surrender any substantial powers to a central American body.

Objections to the Plan (1754)

The objections to the Albany plan are best set forth in the letter drafted by Willard, the secretary of the province, to Bollan, its agent in London, and approved by the two houses, December 31, 1754. "The plan of Union propos'd by the the Commissioners at Albany hath after mature deliberation been almost unanimously disapproved by both Houses; that they therefore expect, you will use your utmost endeavours to prevent the establishment of an Union upon that plan, if it should be attempted. . . . Several objections were made against the Plan, which appear'd to be of weight with many of the members of the Court: such as the perpetuity of the propos'd Union; the great sway which the Southern Colonies (the Inhabitants whereof are but little disposed to and less acquainted with affairs of war) would have in all the determinations of the Grand Council &c. But the great and prevailing reason urged against it was, that in its Operation, it would be subversive of the most valuable rights & Liberties of the several Colonies included in it; as a new Civil Government is thereby proposed to be establish'd over them with great & extraordinary power to be exercis'd in time of Peace, as well as war; such as those of making Laws to be of force in all the Colonies; building Forts and Ships of War, and purchasing Lands at discretion; and for these purposes raising monies from the several Colonies in such Sums and in such manner as the President and Council shall think fit. These powers are in the Judgment of the two Houses inconsistent with the fundamental rights of these Colonies, and would be destructive of our happy Constitution."

Alternative Plans of Union

To meet the objections as set forth in the above letter, two alternative plans were proposed in Massachusetts. The first was the so-called partial plan, which excluded the southern

and middle colonies, by creating a union of "the several Colonies of the Massachusetts Bay, New-York, New-Hampshire, Connecticut, and Rhode-Island" to be known as "The Grand Court of the Five United British Colonies." It provided a president and a council, the latter to consist of twenty-one members of whom Massachusetts was to be allotted seven.

"The Constitution above proposed" (one of the earliest uses of that fateful word, "constitution," in the history of American federation) was to remain in force only for six years unless there should be war at the end of that time between Great Britain and France, in which case until peace should be concluded.

This plan met some of the objections to the Albany plan; inasmuch as it was a union of the northern colonies only, and was prepared only for the French war. It was debated in the Massachusetts House along with the Albany plan. It was rejected on the afternoon of December 14, immediately after the Albany plan had been voted down. At the same time a resolution favoring a union of all the colonies was passed as described above, and a committee appointed to report a plan.

The day after Christmas such a plan was reported. It was practically the same as the Albany plan in providing for a union of all the colonies; but it differed from that plan in that the union was not to be permanent. Like the partial plan which had been rejected December 14, it provided for a union only for six years, or until the end of a French war if one were going on at that time.

Action of the Towns (1754–1755)

The next day, December 27, it was voted that consideration of the report of the committee submitting this latest plan "be suspended until the Members have an Opportunity to consult their Constituents." Such a referendum was nothing new in New England. The practice of the deputies consulting with their town meetings on important bills remained in force until far into the nineteenth century, when the town meetings in the important towns gave way to city governments.

In the Boston Town Meeting the proposed plans of union were taken up on January 17, 1755. The quaint language of

the records tells us there was "a long debate" in the morning and in the afternoon "a very long debate" ; but unfortunately nothing has come down to us as to what were the arguments in these debates. The meeting, however, ended with the following resolution: "That the Gentlemen the Representatives of the Town be and hereby are Instructed to Use their utmost Endeavours to prevent the Plan now under Consideration of the General Court for an Union of the several Governments on the Continent taking Effect—and that they also Oppose any other Plan for an Union that may come under the Consideration of said General Court, whereby they shall Apprehend the Liberties and Priviledges of the People are endangered." That the other town meetings must have concurred with Boston is indicated by the fact that no further attention was given the question by the General Court.

Governor Shirley's Ideas as to Union (1754)

As early as January, 1754, writing to the Lords of Trade, the Governor advocated a "well concerted Scheme for uniting all His Majesty's Colonies . . . in a mutual Defence of each other." His message to the legislature of April 2 has already been mentioned. Writing to the new governor of Pennsylvania, October 21, he said, "The Best Advice I can give you is to lose no time for promoting the Plan of an Union of Colonies for their mutual Defence to be concerted at home, and establish'd by Act of Parliamt, as soon as is possible. The proceedings of the Commrs at Albany, from the general Governmts will shew you the necessity of it. I am labouring this point, *totis viribus*. It would ease you of a great part of the burthen, your Governmt may bring upon you otherwise, in the managemt of Military and Indian Affairs."

In a letter of December 24, 1754, to Sir Thomas Robinson, Secretary of the Lords of Trade, Shirley discloses his entire attitude on the question of union. Believing that the differences among the colonies would make it impossible for them to agree upon a plan, yet he declares the work done at Albany has "pav'd the way clearly for His Majesty's ordering a plan of an Union to be form'd at home, and the execution of it enforc'd here by Act of Parliament." The particular difficulty

was the allocation of the proper quotas of men and money among the different colonies; and Shirley suggests that this be done by Parliament and carried into execution in the colonies "without further consulting them upon any point whatever." To give to the Grand Council the powers designed, including making peace and war, commissioning officers, raising troops, and erecting forts, "would be a great strain upon the prerogative of the Crown and contrary to the English Constitution." While it is true that the proposed president-general would be appointed by His Majesty, yet his power, since he could only veto laws after they had been passed by the council, "is only a *Negative* one, stripped of every branch of the prerogative. . . It may controll the other half of the constitution from doing mischief by any act of theirs, But it can't prevent mischiefs arising from their inactivity, neglect, or obstinacy." That Governor Shirley was definitely opposed to the idea of colonial liberty and thoroughly in favor of strengthening the power of the home government over the colonies is summed up in his statement: "The prerogative is so much relaxed in the Albany Plan, that it doth not appear well calculated to strengthen the dependency of the Colonies upon the Crown; which seems a very important article in the consideration of this affair."

Franklin's Ideas on Union

In the meanwhile the Lords of Trade in London submitted to the King, August 9, 1754, a plan of union of their own. This proposed a commander-in-chief for all the military operations in America, to be appointed by the home government. A council was to be set up to consist of one commissioner from each colony, to be appointed by the two houses of the legislature with the approval of the governor. The only function to be performed by this council, however, was the determination of the quota of expense to be borne by each colony.

Shirley's doubts led to his request for the opinion of Benjamin Franklin, then on an extended visit to Boston. In reply, Dec. 4, 1754, Franklin set forth principles of English liberty not very different from the platform upon which the American Revolution was subsequently fought.

"In matters of General Concern to the People, it is of use

to consider as well what they will *be apt* to think and say, as what they *ought* to think." He protests the loyalty of the colonists to "the present Constitution and the reigning family"; and insists upon their willingness to grant supplies for the defense of the country. Indeed, he suggests that they may be better judges of what is needed than would a Parliament "at so great a Distance." In contrast to the colonists who have their "Estates, Lives and Liberties" at stake, the governors often come over to make their private fortunes. They might well desire, therefore, to keep up the forces and the taxes after the necessity ceased, which would be possible if they were receiving grants directly from Parliament. It is very significant that ten years before the Stamp Act controversy Franklin wrote: "It is suppos'd an undoubted Right of Englishmen not to be taxed but by their own Consent given thro their Representatives." The colonies had no representatives in Parliament. To tax them by Parliament, refusing them a representative body in America, would be to cast suspicion upon their loyalty. It would be treating them as conquered people and not as "true British subjects."

Franklin goes on to argue the very delicate question of control of American trade. The colonies already indirectly pay great sums into England. As consumers of British goods, they enhance the value of British property, thus making it possible for it to pay higher taxes. In addition there are the costs upon the colonies imposed by the trade laws, all of which goes into the pockets of England. "This Kind of Secondary Taxes, however, we do not complain of, tho' we have no Share in the Laying or Disposing of them; but to pay immediate heavy Taxes, in the Laying, Appropriation or Disposition of which, we have no Part, . . . must seem hard measure to Englishmen." In extending the dominion they should not lose their status as Englishmen. Franklin went on to prophesy that the governors and councils would probably become "suspected and odious." "Animosities and dangerous Feuds will arise between the Governors and the Governed, and every thing go into Confusion."

Plan of Union Shelved (1755)

Military questions rather than political became the center of attention. As appears in the chapter on the French Wars from 1753 to 1763, Massachusetts was concerned with the defense of Maine and the conduct of the Crown Point expedition in 1755. To direct the latter a commission of the House of Representatives was sent to Albany. Governor Shirley was away during most of the year; and in the summer was by the home government made commander-in-chief of all the British forces. In Boston Lieutenant Governor Phips was acting governor.

Writing long after the War of the Revolution had closed Franklin said: "If the Albany plan of union had been adopted and made effective, the subsequent separation of the colonies from the Mother Country might not so soon have happened . . . For the Colonies, if so united, would have really been . . . sufficient to their own Defence, and being trusted with it . . . an Army from Britain, for that purpose would have been unnecessary; the Pretences for framing the Stamp Act would then not have existed, nor the other Projects . . . which were the causes of the Breach and attended with such terrible Expense of Blood and Treasure."

While it is always unsafe to attempt to write history as it might have been, certain it is that in the controversy over union in the year 1754 the constitutional question of the status of the colonies within the empire was faced, discussed and several plans were actually drawn up, yet the whole question was left unsettled. It was to arise ten years later, when the time came to pay the debts of the war, and twenty years later when the imperial relationship was determined in its own peculiar way on the battlefields of the Revolution.

The Broad Arrow Question (1691–1775)

One of the most irritating sources of friction between Massachusetts and the mother country arose out of the conflict occasioned by the British policy with regard to big trees. The Broad Arrow, made by three strokes of an ax, was used

to indicate trees reserved for His Majesty's navy. Depending mostly on the Baltic for masts, England early saw the advantage of control over this important naval material. Colonists, however, wanted all the lumber for their own use or for export. Since the white pines, the trees most suitable for masts, were abundant only from New Hampshire to Nova Scotia, the Maine section of Massachusetts was in the thick of the controversy.

The Provincial Charter of Massachusetts of 1691 gave the king a claim on all trees twenty-four inches in diameter or more, except on private property granted before the charter. Parliament in 1729 passed an act which remained the law until the Revolution. Official surveyors-general were appointed to survey the forests, marking trees two feet or more in diameter and ferreting out violations of the law. Though few in number, they were numerous enough to irritate the colonials.

Although the forests were limitless, only a few of the trees were of the necessary size, and only those near a river could be readily got to the coast. Such trees were precious for lumber, and were much desired by the colonists. It was, therefore, hardly within human nature for a colonial pioneer to withstand the temptation to cut a big tree without waiting for the Broad Arrow. The courts were far away; and one's fellow colonials could be depended upon to assist the defendant in any legal proceedings.

From 1743 until the Revolution the post of Surveyor-General was always in the famous Wentworth family of New Hampshire, a family whose wealth was largely in lumber. Nevertheless, the Wentworths advocated compensation of perhaps ten times the value of the tree as lumber. As late as 1771 John Wentworth proposed that this should be done "not as a matter of right, but as a Gratuity for the Timber being found well preserved upon their Land." It is the opinion of modern writers that the Broad Arrow policy offered "one of the earliest and most continuous outlets of colonial hostility to English dominion . . . an instance of chronic irritation and defiance . . . as continuous as even the constitutional or commercial opposition" and as such constituting one of the causes of the Revolutionary War.

English Writs of Assistance (to 1761)

The writs of assistance episode has been discussed in this volume as a part of the growth of a judicial system in Massachusetts. It has even a livelier interest as a part of a great constitutional conflict involving imperial control over the British Colonies. By their tenor these writs gave permission to the holder to search any house for smuggled goods. The writs were good indefinitely, the only time limitation upon them being six months after the demise of any king. Moreover no return as to any action taken under them had to be made at any time to the court from which they were issued. In all these respects they were quite different from the ordinary search warrant issued to give permission to search a particular house, granted only on presentation of evidence satisfactory to the judge, and indicating probable presence of goods.

Writs of assistance were legalized by Parliament in England in the reign of Charles II but the practice was much older than that. In Massachusetts the earliest instance of which we have definite information is in 1755, when one was issued to Paxton, the Surveyor of the Port. In the next few years several were granted to various local collectors throughout the province, as at Salem, Falmouth, Newbury, and Boston. The practice does not seem to have excited much interest at first.

Legal Arguments for the Writs (1761)

The death of King George II in 1760 brought the entire question to the front within a few months; since by law all the writs would have to come up for renewal. Sixty-three merchants of Boston petitioned the court for a hearing. Thomas Hutchinson had recently been appointed chief justice and thus became the leading spirit of the court. Two arguments were heard, one on February 24 and the other on November 18, 1761. For the customs officers appeared Jeremiah Gridley, the crown attorney. For the merchants, Oxenbridge Thacher was chief counsel and James Otis, Jr., his associate. He is best known to history through his connection with this episode.

Gridley's argument for the legality of the writs was based

on specific acts of Parliament. For instance a statute of 14 Charles II authorized such writs to issue from the Court of Exchequer in England. A later Statute of 7 and 8 William III required that the same aid be given customs officers in the plantations as was due by law in England. Thacher, among other arguments, brought out the claim that the Massachusetts court did not correspond to the Court of Exchequer in England, and therefore the statutes did not apply. He also made much of the fact that in England the writs were returnable and hence always under control, a provision not regarded in Massachusetts.

Argument of Otis (1761)

James Otis, Jr., a graduate of Harvard, came from the Cape Cod region. His father was a fairly prominent politician, being a member of the House of Representatives. A story circulated, but has never been substantiated, that Governor Shirley had promised to Otis, Sr., the next vacancy in the court; but none occurred until after Governor Shirley's recall, and then the new Governor, Bernard, appointed Hutchinson. Some people thought this the motive which induced James Otis, Jr., to resign a lucrative position in the Crown Attorney's office in order to argue for the Boston merchants. All of the authorities agree that Otis was emotional, sometimes eccentric, and perhaps already afflicted with touches of that insanity which later was to destroy his usefulness. At this time, however, this young lawyer was eminently qualified to arouse the enthusiasm of his townsfolk.

Abandoning argument based on the statutes and their applicability, Otis in his speech went right to what he asserted were the fundamental principles of the British Constitution. John Adams, another young Boston lawyer was present, and taking his jerky notes of the argument furnished the only thing approaching a verbatim account. Its brief text is as follows:

"The Writ of Asst. is against the fundamental principles of law. The privilege of house. A man who is quiet is as secure in his house as a prince in his castle. For flagrant crimes and in cases of great public necessity the privilege may be encroached on. For felonies an officer may break

upon process and oath, i.e. by a special warrant to search such an house sworn to be suspected and good grounds of suspicion appearing.—All precedents and this among the rest are under the control of the principles of law.—As to Acts of Parliament an act against the Constitution is void; an act against natural equity is void; and if an act of Parliament should be made in the very words of this petition it would be void. The executive courts must pass such acts into disuse."

"Executive courts" in Otis' mind were judicial courts, in contradiction to the "General Court," a legislative body. In another chapter of this volume will be found a description of this famous argument as part of the jurisprudence of the Commonwealth. Differences of opinion among historians still exist as to the legal and political value of these arguments. The weight of opinion seems to be that writs of assistance were legal only on the theory that under the British Constitution any act of Parliament is legal.

Doctrine of Ultra Vires (1761)

The most exhaustive treatment of the subject still remains that of Horace Gray, afterwards chief justice of the Commonwealth and later justice of the Supreme Court of the United States. This contribution occupies 145 pages of the Appendix to the Reports of the Supreme Court of Judicature of the Province from 1761 to 1772. It was taken down by Josiah Quincy, Jr., and edited and published by his great-grandson, Samuel M. Quincy, in 1865.

Otis relied on the doctrine of *ultra vires;* as Gray says, "Otis . . . denied that (Parliament) was the final arbiter of the justice and constitutionality of its own acts, and . . . contended that the validity of statutes must be judged by the Courts of Justice: and thus foreshadowed the principle of American Constitutional Law, that it is the duty of the judiciary to declare unconstitutional statutes void."

The standard case cited by Gray is Dr. Bonham's case and Lord Coke's statement in regard to it. "It appeareth in our books, that in many cases the common law will control Acts of Parliament and adjudge them to be utterly void; for where an Act of Parliament is against common right and

reason or repugnant or impossible to be performed, the common law will control it and adjudge it to be void." Dr. Bonham's case was that of a physician imprisoned by the College of Physicians of London under an act of Parliament which allowed this college to license and if one practised without license to imprison and fine, one-half to go to the king and the other to the College, thus making the College party, prosecutor, judge, and beneficiary. Coke cited many cases before this as precedent. The principle was *jus naturae sunt immutabilia* and they are *leges legum.*

In citing Coke, Gray is somewhat weak, in that Coke wrote in the early seventeenth century before the supremacy of Parliament had been determined by the course of affairs which was to culminate in the Glorious Revolution of 1688. Nevertheless it is well known that the idea of *ultra vires* was a common one in America in the eighteenth century even although not universally held. The principle appears in a weak form in the cases of Holmes *vs.* Walton in New Jersey, Bowman *vs.* Middleton in South Carolina, and the argument of Varnum, attorney for the defendant, in Trevett *vs.* Weeden in Rhode Island—all during the Revolutionary period.

Impressment Riots (1747–1768)

An especially irritating act of government practised in England in these times was the impressment of seamen. Discipline in the royal navy was extremely severe, and unfortunate indeed was the man who found himself seized by a press gang and taken away without warning, to serve in his Majesty's ships. Yet this was a common method of recruitment in England. As a system, however, it was never legally extended to the colonies, though two instances of its application occurred in Boston, in each case giving rise to serious opposition.

In November, 1747, some men having deserted from a royal fleet in the harbor, the commander, Commodore Knowles, sent a press gang ashore which took away not only seamen but also ship carpenter's apprentices and some ordinary landsman laborers. This greatly enraged the laboring class and thousands gathered, armed with sticks and clubs. The Gov-

ernor's house was surrounded, but armed guards were on duty and the crowd finally withdrew.

In the evening, however, they surrounded the Town House on King Street and Court Street—now the old State House—when the General Court was in session. They refused to disperse, even after addresses by the Governor and other prominent citizens. The next day the Governor fled to the Castle for safety. In the meantime naval officers had been seized and held as hostages. When the Governor asked Knowles to release the men, he not only refused, but threatened to bombard the town unless his officers were returned.

Affairs remained in this situation for three more days, at the end of which time the more conservative element got control. The militia brought the Governor back to his house and the officers were released. Nevertheless, the laborers won the real victory since the Commodore sent back most of the men whom he had seized.

A different result developed in another case of impressment, which occurred over twenty years later, in June, 1768. At this time the captain of the *Romney* anchored in the harbor impressed some men, one of whom was rescued. The irritation was increased when, the same day, John Hancock's sloop *Liberty* was seized and anchored under the guns of the *Romney,* an incident described and commented upon in another chapter of this book. In the evening, when the customs officers seized the sloop, a crowd gathered, whereupon the customs officers signalled for aid which the *Romney* sent. The crowd dispersed only when the marines had been commanded to fire. The customs officers were pelted with stones, the windows of their houses broken into, and a boat belonging to the customs was burned on the common. Further violence did not occur, however, apparently due to the influence of Hancock, Warren, and Samuel Adams. At a town meeting a few days later James Otis was elected moderator. In his speech, while urging the preservation of order he expressed the hope that their grievances would be redressed. "If not, and we are called on to defend our liberties and privileges, I hope and believe we shall, one and all, resist even unto blood. But I pray God Almighty that this may never so happen." A committee was appointed to wait on the Governor, but he

declared that he had no authority over the *Romney* and there the matter rested for the time.

Sugar Act of 1764

April 5, 1764, can be set down as a landmark in the development of the forces which led to the Revolution. On that day Parliament passed a financial bill affecting the colonies, which marked the adoption of a new policy as regards the colonial support of the empire. For by its terms the colonies were to be taxed and by the Parliament at Westminster. Although under the Navigation Acts the policy of Great Britain for over a hundred years included control of colonial trade, the new bill so increased old duties and added new ones, as to justify the statement that it established a novel policy. Indeed the British government clearly intended thereby to assert power to legislate for the colonies in the field of commerce.

The provisions of the bill were manifold. Wines from Madeira and the Azores, which had always been allowed to be imported to America directly, must hereafter enter only under a very high duty, in comparison to these same goods imported through Great Britain. The duty of six pence per gallon on imported molasses provided by the Act of 1733 was reduced to three pence; but provisions were made for strict enforcement. Additional duties for white sugars were provided for. All proceeds were to go to meet charges in America. A resolution was included that it might be proper to lay certain stamp duties on the colonies, but that project was put over for a year.

Against the new act Massachusetts instructed her agent in London, Mauduit, to protest. Otis was active in arousing public sentiment. Committees of correspondence, which in the years to come were to be one of the most effective methods of organizing the colonies against the mother country, were now established. Public opinion after some delay forced the Governor to summon the House into session. An address to the King was prepared—somewhat moderated, however, because of the opposition in the Council. In instructions to its agent Massachusetts declared that the fishing business would

be destroyed, though it was worth £164,000 a year and employed vessels worth £100,000, consuming supplies to the value of £22,700. Likewise, it was argued, the lumber export business would be ruined. Five thousand seamen would be thrown out of employment; and how were the merchants to pay for the £150,000 of goods annually imported from England? By the next year (1765) however, the feeling against the Sugar Act had become merged into the much greater opposition aroused by the Stamp Act.

Enforcement of the Sugar Act (1764 – 1765)

The provision of the bill which most concerned Massachusetts was that which arranged for the enforcement of the molasses duty. The balance of trade with England was always against the colony; and the only method of discharging debts incurred in Great Britain was that the balance of trade with the French and Spanish West Indies had always been favorable. This trade consisted of lumber and fish exported in return for molasses which was used on the tables in the place of the sugar of the modern world, and was also the raw material of rum, an important production for both the home consumption and export.

Even before 1764 England had begun to make efforts to enforce the old act of 1733, not so much for revenue purposes, as to stop trading with the enemy. The thrifty New Englanders had never been able to see why a little matter of a war should cut off the trade from which their principal profits were produced.

Great Britain adopted a new policy of using the navy for enforcement of the Acts of Trade which proved very distasteful to both the navy and the civilians, to the former because of prejudice against police work, and to the latter because of the old established feeling that military power should always be under the control of the civil. The very fact that the navy was used is another example of the failure of Englishmen to understand the psychology of the colonials.

In Boston, enforcement aroused all the more resentment because it happened that their principal competitors, the merchants of Newport and Providence, had an easier time. This

was not due to lenity on the part of the British government, but to the choice of governor in the colony of Rhode Island by the people of the colony with the result that the customs officials there found the entire colonial government ranged against them.

Governor Bernard claimed that Massachusetts opposed the writs of assistance in order to be able to engage in the French West Indies trade as freely as did the charter colonies of Connecticut and Rhode Island where the customs-house officials "did virtually nothing to enforce the law."

On the other hand, the charge of trading in time of war, technically treason, was well grounded. Pitt's invectives against it were bitter. What wonder, when it is remembered the tremendous efforts he was putting forth to win the war as well as his endeavors, for the most part successful, to secure the cooperation of the colonies? The situation showed how lightly the imperial connection sat upon the colonials if it conflicted with their commercial interests.

So long as the war lasted the English government was too occupied with other things to be successful in its new design of enforcement. The close of the war for the time being ended that opportunity of offence.

While the new bill of 1764 reduced the duty on tea from six pence to three pence, it continued the use of the navy for enforcement, and provided that trials should take place before the Courts of Admiralty, which unlike the common law courts did not include juries. To the Boston merchants obviously three pence enforced was worse than six pence under the old policy which had been little less than permitted smuggling. In anticipation of the expiration of the old law, the Boston merchants had petitioned for the removal of the molasses duty. The act of 1764 was England's reply to the succession of protests.

The question whether the mother country was justified in adopting its new taxation policy, or the colonies were right in opposing, has always given concern to the historians writing on the period. It would seem useful for us today to obtain an understanding of the points of view of each side at the time.

Constitutional Issue of Taxation

Several arguments on this subject appealed to the English taxpayer. The French war just closed had doubled the British debt from £75,000,000 to about £150,000,000. The annual charge of the government in the plantations was £350,000 a year, and England also bore the entire cost of the navy which had been used in part for the defense of the colonies. Colonial customs were yielding £2,000 a year; and it was costing near four times that amount to collect the scanty return. Just at this time the French war was succeeded by the Pontiac Indian war on the western frontier, for the conduct of which England was maintaining ten thousand troops. In the meanwhile not only were the eastern colonies refusing to aid, as being far removed fron danger, but Pennsylvania under the control of the Quakers would not take part, even though her own inhabitants in the western section of the colony were being massacred.

The colonials told the story from their own point of view. They too had come out of war burdened with debt. Especially was this true of Masssachusetts, whose debt was estimated at £818,000 and was more than twice that of any other colony. Of this £160,000 was discharged by 1765 and provision had been made to wipe out the remainder by taxes in five years. There was reason in John Hancock's declaration that not a man in England was being taxed so much in proportion to his estate as himself.

Nevertheless Edward Channing alludes to "a favorite idea in England that the colonies were doing very little for the support of the governments and might easily bear the burden of considerable taxation." Moreover, in addition to what the colonies were paying in direct taxation by vote of their own assemblies, they were undoubtedly contributing through the operation of the mercantile laws of Great Britain several hundred thousand pounds annually by indirect taxation into the treasury of the mother country.

In addition to the economic aspects of the case for the Americans, there was also the constitutional principle at stake of "taxation without representation." This was perhaps nowhere better expressed than in the instructions sent by the Gen-

eral Court of Massachusetts to its agent, Mauduit, in London. "If all the Colonies are to be taxed at pleasure, without any representation in Parliament, what will then be to distinguish them in point of liberty, from the subjects of the most absolute prince. Every charter privilege may be taken from us by an appendix to a money bill. A people may be free and tolerably happy without a particular branch of trade; but without the privilege of assessing their own taxes, they can be neither."

Obviously with such conflicting interests and their resulting collision of convictions, the imperial connections were under greater strain than ever before. New difficulties were coming up, destined to become more serious. And the British imperial system at that time provided no means for working out a mutual understanding and compromise.

Constitutional Issue of the Stamp Act (1764 – 1765)

The Sugar Act of 1764 marks the adoption of a new colonial policy, in that the imposition of duties was no longer to be primarily for the regulation of trade but for the raising of revenue. The Stamp Act passed the next year went a long step further because for the first time a bill involving the raising of revenue in the interior of the colonies had been passed by Parliament. Hitherto the colonial assemblies had been the only bodies laying taxes other than duties payable at the waterfront on imported goods.

It is true that Grenville in connection with the Sugar Act had given a year's warning of the intended passage of a stamp tax. The colonials seem to have been so concerned, however, with the Sugar Act itself, as to give little thought to Grenville's further plans. When the year had expired, the bill was passed by Parliament with little interest and no organized protest; and certainly with no premonition of the opposition which it would arouse in the colonies. Out of the small attendance in Parliament at the time came only two speeches in opposition. To the authors of these, Barré and Conway, the Boston Town Meeting later sent resolutions of thanks and ordered their portraits for the Town Hall. The vote in the Commons was 294 to 49. It received the royal assent March 22, 1765, and was to go into effect November 1.

The Stamp Act was a long one, consisting of a preamble and 117 paragraphs. Stamps were to be required on playing cards, dice, legal documents, liquor licenses, university degrees, appointments to office, articles of apprenticeship, pamphlets, newspapers, and almanacs.

Opposition was aroused fully as much by the provisions for enforcement as by anything else. By these provisions the Admiralty Courts could take jurisdiction if so requested by the informer or the prosecutor, thus depriving the accused of trial by jury. Another incongruity was the use of the Admiralty Courts for the enforcement of an inland tax.

In form a stamp tax was very common at that time, as it has been frequently used since. Such a tax existed in England, and Channing is of the opinion that, "Upon the whole, one gets the idea that the stamp duties, which it was proposed to charge [in America], were lighter than those which were actually being paid in England." As early as 1722 and 1728 proposals were made for a colonial stamp tax to be imposed by the home government. Moreover the Massachusetts legislature itself in 1755 passed a tax in this form as a war measure effective for two years. This was taxation by the colony's own Assembly, enforced by the regular Colonial Courts, and was quite a different thing from taxation by Parliament, with enforcement by courts presided over by royally appointed officials without jury trial.

Massachusetts Protests against the Stamp Act (1765)

Excitement in Massachusetts was slow in developing. In fact, Patrick Henry in Virginia became the leader in arousing opposition to the new act. His resolutions, carried in the Virginia House of Burgesses, were described by Governor Bernard as "an Alarm-Bell to the disaffected. . . . It is inconceivable how they have roused up the Boston Politicians, & been the Occasion of a fresh inundation of factions & insolent pieces in the popular newspaper." This impolite reference was to the *Gazette,* which had been taken over ten years before by Edes and Gill and had now attained the for that time very respectable circulation of some two thousand copies. Governor Bernard's feelings are indicated by his character-

isation of it as "an infamous weekly paper which has swarmed with Libells of the most atrocious kind." During the summer of 1765 the *Gazette* carried bitter attacks on the Stamp Act, making especial use of arguments based on the constitutional rights of the colonists.

However slow may have been the crystallizing of opposition in Boston it manifested itself in the worst possible form, that of mob action, when, August 8, 1755, the list of stamp distributors was made public, and it was learned that the prized position in Massachusetts had been given to Andrew Oliver, the secretary of the Province and a brother-in-law of Hutchinson. A few nights later Oliver was hanged in effigy from an elm tree at the corner of Washington and Essex streets, the same tree afterwards called the "Liberty Tree." An old boot was also hung up, the reference being to Lord Bute, the prime minister. All day the figures remained on the tree, crowds gathering to see them. That evening a new building of Oliver's supposed to be intended for his stamp office was demolished, his house was broken into and some furniture destroyed. The next day Oliver resigned.

Bernard offered a reward for the offenders but they were not apprehended. Two days later there was a demonstration at Hutchinson's house, but after a few windows had been broken, the mob dispersed, upon being told (falsely) that the lieutenant governor was not in. On Sunday, August 25, Reverend Jonathan Mayhew preached a sermon in support of the popular side from the text, "I would they were cut off which trouble you."

Liberty Mobs (1765)

The next night, Monday, August 26, 1765, proved to be the worst of all. The house of Story, registrar of the Admiralty, was broken into and the records of the Admiralty Court destroyed. The house of the comptroller of the currency was plundered. Moving on to the house of Hutchinson, from which he and his family had fled for their lives, the mob thoroughly gutted his magnificent residence. While the intrinsic loss ran into thousands of pounds, lovers of Massachusetts have greater regret for the irreplaceable destruction of the historical material relating to the colony and province which

Hutchinson had been collecting for years. Fortunately the manuscript of his *History of Massachusetts* was picked up and preserved, the stain of the street mud still upon its pages.

As in most mob violence the membership seems to have been drawn from the roughs of the town, who for the occasion were stimulated by liquor. A town meeting was called the next day at which resolutions expressing "abhorrence" were adopted and a "civic guard" organized. Nevertheless the townspeople made themselves responsible at least as "accessories after the fact," inasmuch as the merchants forced the sheriff to set free the mob leader, one Mackintosh, a shoemaker, whom he had arrested. Other leaders who had been placed in jail were rescued.

December 17 another mob, again led by Mackintosh, forced Oliver to take oath under the Liberty Tree that he would never enforce the Stamp Act. Two thousand are said to have been present and it was reported that Colonel Brattle, a member of the Council, paraded the streets arm in arm with Mackintosh. The Governor ordered out the militia but it refused to muster; another evidence that public opinion was on the side of the rioters.

In the meanwhile methods more legitimate were being employed in protest against the Stamp Act. The House of Representatives voted for an inter-colonial congress. Resolutions were also passed, following the riots, to the effect that from the fathers had been inherited a relish for civil liberty; but that it was hoped the sons would never have to countenance means except those legal, regular, and constitutional, a sentiment sufficiently pointless to satisfy all concerned. In opposition to the Stamp Act itself, however, other resolutions appealed to the theory of natural rights, with the declaration that there are "certain essential rights common to mankind, founded in the law of God and Nature, and . . . recognized by the British Constitution."

The Stamp Act Congress (1765)

Out of the Stamp Act came the first movement for union initiated by the colonies themselves, and in this Massachusetts took the lead. June 8, 1765, a resolution was passed directing

From the original in the Massachusetts Historical Society

A "Stamp Act" Stamp and its Reverse, Showing Official Seal

THE *Boston-* AND COUNTRY

Containing the freshest Advices,

No. 772.

Gazette, JOURNAL.

Foreign and Domestic.

MONDAY, January 22, 1770.

A LIST of the Names of *those* who AUDACIOUSLY continue to counteract the UNITED SENTIMENTS of the BODY of Merchants throughout NORTH-AMERICA; by importing British Goods contrary to the Agreement.

John Bernard,
(In King-Street, almost opposite Vernon's Head.

James McMasters,
(On Treat's Wharf.

Patrick McMasters,
(Opposite the Sign of the Lamb.

John Mein,
(Opposite the White-House, and in King-Street.

Ann & Elizabeth Cummings,
(Opposite the Old Brick Meeting House, all of Boston.

And, *Henry Barnes,*
(Trader in the Town of Marlboro'.

HAVE, and do still continue to import Goods from London, contrary to the Agreement of the Merchants.—They have been requested to Store their Goods upon the same Terms as the rest of the Importers have done, but absolutely refuse, by conducting in this Manner.

IT must evidently appear that they have preferred their own little private Advantage to the Welfare of America: It is therefore highly proper that the Public should know who they are, that have at this critical Time, so rudely detached themselves from the public Interest; and as they will be deemed Enemies to their Country, by all who are well-wishers to it; so those who afford them their Countenance or give them their Custom, must expect to be considered in the same disagreeable Light.

NAILS.

On Thursday the 25th Inst.

At Ten o'Clock in the Morning;

Will be sold by PUBLIC VENDUE, at the Store of the late Mr. *John Spooner*, deceas'd, next Door East of the Heart and Crown in Cornhill, *Boston*.

ALL his Hard Ware GOODS, the particulars of which hath already been advertis'd, and was to have been sold the 3d Inst. had not Sickness prevented.

J. Russell, Auctioneer.

John Griffith,

HAS removed his School to a more commodious Place, a new Brick Building in Hanover Street, a little below the Orange-Tree, where he teaches Spelling, Reading, Writing, and Arithmetic, at his usual Hours: He also teaches Writing and Arithmetic in the Evening.

TO BE DISPOSED OF,

SIX Years of the Time of a very likely, active Boy, about 14 Years of Age—exceeding smart and docile,—very suitable for any one whose Business will admit of keeping him at Home—or for a Master of a Vessel.

Enquire of Eddy and Gill.

TO BE LET,

The Front End of a convenient Brick Tenement, two Rooms on a Floor, situate in Long-Lane; enquire of SAMUEL BASS, living in the back End of said House.

All Persons that have any Demands on the Estate of Mr. *Alexander Young*, late of *Boston*, Gooler, deceas'd, are desired to bring in their Accounts to Mrs. *Mehetable Young*, administratrix: And all those

him of our inviolable attachment to his sacred person and government, and to beseech his Royal interposition, as the father of all his people, however remote from the seat of his empire, to quiet the minds of his loyal subjects, of this colony, and to avert from them those dangers and miseries which will ensue from the seizing and carrying beyond sea, any person residing in America suspected of any crime whatsoever, to be tried in any other manner than by the ancient and long established course of proceedings.

The following Address was then agreed upon, and ordered to be transmitted to their agent in England, to be laid before his Majesty.

"To the KING's most Excellent MAJESTY.

The humble ADDRESS of his dutiful and loyal subjects the House of Assembly of his Majesty's Colony of *North Carolina*, met in General Assembly.

May it please your Majesty,

WE your Majesty's most loyal, dutiful, and affectionate subjects, the house of Assembly, of this your Majesty's colony of North-Carolina, now met in general assembly, beg leave, in the most humble manner, to assure your Majesty, that your faithful subjects of this colony, ever distinguished by their loyalty and firm attachment to your Majesty and your royal ancestors, are far from countenancing traitors, treasons, or misprison of treason, and ready at any time to sacrifice our lives and fortunes in defence of your Majesty's sacred person and government.

It is with the deepest concern, and most heartfelt grief, that your Majesty's most dutiful subjects of

From an original in the Harvard College Library

Violators of the Non-Importation Agreement Exposed

the speaker to write to the Houses of the other colonies requesting them to send delegates to a congress to be held in New York in October. Neither the Councils nor the Governors, except in the two self-governing colonies of Rhode Island and Connecticut, were to have anything to do with the congress.

The loyalist element had a majority in the Massachusetts House, but thought it expedient to vote for the congress; and the resolution passed unanimously. No open effort was made to prevent the election, as one of the delegates, of James Otis, who had been foremost in urging the congress. The other two delegates, Oliver Partridge and Timothy Ruggles, were described by Governor Bernard as "fast friends of government—prudent and discreet men, who would never consent to any improper application to the government of Great Britain."

When the Stamp Act Congress met at New York in October, Ruggles was chosen "chairman." Forty-eight years later Thomas McKean, who had been a delegate from Delaware, wrote an account of the services of Ruggles at the Congress, in which he says that Ruggles was elected to the New York delegation by only one vote. During the sessions Ruggles supported what was done "fully and heartily"; but Otis, according to McKean, "suspected his sincerity." In the end Ruggles refused to vote for resolutions asserting the rights of the colonies and condemning the Stamp Act. His explanation that "it was against his conscience" led to an open challenge to duel from Ruggles and an acceptance by McKean.

In Massachusetts the House of Representatives passed a resolution "That Brigadier Ruggles, with respect to his conduct at the congress of New York, has been guilty of neglect of duty, and that he be reprimanced therefor by the speaker."

The influence of Otis on the Stamp Act Congress is difficult to determine. There he seems to have led the Massachusetts House into issuing the invitation. At the congress itself he failed of election either as "chairman" or as head of any of the committees. Nevertheless the testimony is that he was the boldest of the speakers on the patriot side.

Attitude of the Massachusetts Government (1765)

The stamps required by the new law arrived in Boston September 10, those destined for Massachusetts, New Hampshire, and Rhode Island being included. Since Oliver, the distributor, had resigned, there was no one officially commissioned to take charge of them. Bernard called a session of the Council and House of Representatives for "advise and assistance [as] the care of them devolves to the government, as having a general charge of the King's interest within it."

To this the House of Representatives replied: "May it please your Excellency, The House having given all due attention to your Excellency's message of this day, beg leave to acquaint your Excellency that the stamped papers mentioned in your message are brought here without any directions to this government; it is the sense of the House, that it may prove of ill consequence for them any ways to interest themselves in this matter; we hope therefore your Excellency will excuse us, if we cannot see our way clear enough to give you any advice or assistance therein."

Addressing the Council, October 1, the Governor explained he had ordered the stamped papers to the Castle for protection; but that he could not unpack or distribute them because he had no order to do so, and could not make himself liable for so large a value. On one occasion Bernard prorogued the House because it insisted on discussing the Stamp Act, but he was soon obliged to convene it again. At another time the House rebuked the Governor and Council for having provided additional troops at the Castle, the House insisting on the constitutional point that expenditures could be authorized only by the people's representatives.

The Stamp Act Ignored (1765–1766)

November 1, the date when the Stamp Act became effective, bells were tolled, flags half masted, and more effigies were hanged from the Liberty Tree. The question arose as to whether to conduct business without stamps, thus defying the law, or to suspend business altogether. As between these two policies of active or passive resistance, the latter was adopted for the time being in respect to everything except

newspapers. The story is told that a wag in Boston sent to the printers a piece of bark on which he had written inquiring whether, since it was neither paper, parchment, nor vellum, it was free from the tax; in which case he was ready to supply quantities to all those whose consciences were bound by the late act.

No activity suffered more than legal proceedings, since the courts had to close because no unstamped processes could legally be served. In his diary for December 18, John Adams, who had been struggling to establish himself as a lawyer, wrote: "The probate office is shut, the custom house is shut, the courts of justice are shut, and all business seems at a stand. . . . I have not drawn a writ since the first of November. I have groped in dark obscurity till of late, and had but just become known and gained a small degree of reputation when this execrable project was set on foot for my ruin as well as that of America in general, and of Great Britain."

Gradually, without any preconcerted arrangements, business was resumed, though conducted without the stamps. Still the courts remained closed despite the request to the Governor and Council by a committee of eight headed by Samuel Adams representing the Boston Town Meeting. Finally in January the House of Representatives, in drafting its reply to the Governor's message, declared: "The custom houses are now open and the people are permitted to transact their usual business. The courts of justice also must be opened,—opened immediately; and the law, the great rule of right, duly executed in every county in this province. This stopping of the course of justice is a grievance which this Court must inquire into. Justice must be fully administered without delay."

The Council laid this address on the table. Yet gradually, as the weeks went on, the courts were reopened by the judges on their own responsibility.

Inter-colonial Protests (1765)

In the meantime the Stamp Act had brought about the first of the series of economic measures which the people led by the merchants were to make effective against the mother country. Two hundred and fifty merchants in Boston, following the

lead of those of New York and Philadelphia, signed an agreement to import no articles from England, with some necessary exceptions, until the act was repealed. The result was a reduction in the use of foreign articles, especially at funerals which the customs of the times required to be very elaborate.

Despite the restraining policy of the English government, manufacturing in America had developed to a point where it was possible to conduct this boycott on English goods without crippling interior trade. In three lines especial advancement had been made; the smelting of iron ore, the making of potash, and the manufacturing of coarse woolens for clothing.

The merchants canceled all orders if not filled before January 1, 1766; and some agreed not to dispose of goods sent on commission even before that date. It was generally understood that mutton was not to be eaten lest the supply of wool fall short. The rich set an example by wearing homespun or old clothes. It is said that even the young ladies performed their part by agreeing not to receive attention from beaux who did not support the popular side.

In opposing the Stamp Act, similar methods and activities were set in operation in all the colonies, involving interesting combinations of mob violence with appeals to reason. It is easy enough for the modern critic, writing from the point of view of a powerfully established and independent nation, to condemn either or both of such methods. At the beginning of the crisis the Americans were few, though politically unified, and their wealth consisted chiefly in undeveloped resources. They felt that their economic interests were not a matter of concern to the government across the seas; and were undoubtedly sincere in the belief that their constitutional rights were being violated. In attacking the most powerful naval nation in the world they could not be expected to be nice in selecting the means which they should use. England's repeal of the obnoxious act, a short time after its passage, was a tribute to the effectiveness of the means of pacific resistance if not to the great colonial principle of "no taxation without

SELECT BIBLIOGRAPHY

ADAMS, JAMESTRUSLOW.—*Revolutionary New England, 1691-1776* (Boston, Atlantic Monthly Press, 1923)—Attempt to apply the new "psychological" school of history, to do which often has to resort to assertion and personal opinion. Usually anti-colonial, but frequently enough not so to prove that he is attempting to be fair. Copious foot-note references make a useful guide to the sources.

ALBION, ROBERT GREENHALGH.—*Forests and Sea Power. The Timber Problem of the Royal Navy, 1652-1862* (Cambridge, Harvard Univ. Press, 1926)—See chap. VI, "The Broad Arrow in the Colonies." This is the only study yet made of the question of mast trees. An exhaustive and scholarly contribution.

ALMON, JOHN, compiler.—*A collection of interesting, authentic papers, relative to the dispute between Great Britain and America; shewing the causes and progress of that misunderstanding, from 1764-1775* (London, J. Almon, 1777)—The "Prior Documents." Contains much detail. A contemporary contribution.

BANCROFT, GEORGE.—*History of the United States; author's last revision* (6 vols., N. Y., Appleton, 1887)—Volume III includes the period covered by this essay. Pro-colonial. An old history, but a monumental work in its day. Its author was very influential with the historians of his time.

BARRY, JOHN STETSON.—*The History of Massachusetts* (3 vols., Boston, Phillips, Sampson & Co., 1855-1857)—A narrative history, giving much of the detail. Pro-colonial. The period covered in this essay is in Vol. II.

BEER, GEORGE LEWIS.—*British Colonial Policy, 1754-1765* (N. Y., Macmillan, 1907)—A scholarly work, devoted to the economic aspects of the relations between England and her colonies. Fair and impartial. Brings out many facts not usually known.

BURNS, JOHN F.—*Controversies between Royal Governors and their Assemblies in the Northern American Colonies* (Boston, Wright and Potter Printing Co., 1923)—Contains much material on the Stamp Act controversy.

CHANNING, EDWARD.—*History of the United States* (6 vols., N. Y., Macmillan, 1919-1925)—Probably the most remarkable history of the United States yet produced. Especially strong on the seventeenth and eighteenth centuries. A wealth of references, mostly to sources. Original yet sound conclusions. As this is a general history, necessarily it cannot give full attention to any one colony. For the "Albany plan" see Vol. II, pp. 569-571, and Vol. III, p. 445. See Vol. III, pp. 1-53, for general treatment of this period.

CHANNING, EDWARD, HART, A. B., AND TURNER, FREDERICK JACKSON—*Guide to the Study and Reading of American History* (Boston, Ginn, 1912) —See pp. 291-297. An exhaustive reference of the material bearing upon the period published up to 1912.

FISKE, JOHN.—*The American Revolution* (2 vols., Houghton Mifflin, 1896) —See Vol. I, chap. I. Told with the literary freshness and vigor characteristic of this famous author. In general pro-colonial rather than critical.

FROTHINGHAM, RICHARD.—*The Rise of the Republic of the United States* (Boston, Little, Brown, 1872)—Chapters IV, V. A scholarly narrative with a wealth of detail. Exhibits painstaking research, the author apparently having exhausted what material was available a half-century ago. Extremely pro-colonial.

GRAY, HORACE.—"Notes on the Writs of Assistance" (Josiah Quincy, *Reports of Cases Argued and Adjudged in the Superior Court of Judicature of the Province of Massachusetts Bay, between 1761 and 1772* (Boston, Little, Brown, 1865)—See Appendix I. An exhaustive treatment of the writs of assistance from a legal point of view, with research into the precedents. It still remains the outstanding contribution on the subject.

GREENE, EVARTS BOUTELL.—*Provincial America, 1690-1740* (American Nation: a history, Vol. VI, N. Y., Harper, 1905)—Very useful for an understanding of the colonies in the eighteenth century, although the events included do not come down to the period covered by this essay.

GREENE, EVARTS BOUTELL.—*The Provincial Governor in the English Colonies of North America* (Harvard Historical Studies, Vol. VII, N. Y., Longmans, Green, 1898)—A constitutional study topically arranged, ending with 1763.

HALIBURTON, THOMAS CHANDLER.—*The English in America* (2 vols., London, Colburn & Co., 1851)—Its wealth of detail makes this an excellent narrative of the events connected with the Stamp Act and following. Written from the colonial standpoint.

HARLOW, RALPH VOLNEY.—*Samuel Adams; promoter of the American Revolution. A Study in Psychology and Politics* (N. Y., Holt, 1923)—An attempt to psycho-analyze Samuel Adams and his colleagues in the "radical" cause, as it is called by the author. Extremely unfavorable to him and them. There being so little material upon which to base a psycho-analysis of men so long past, the author has continually to resort to assumptions which cannot be verified.

HART, ALBERT BUSHNELL, AND CHANNING, EDWARD.—*James Otis's Speech on the Writs of Assistance* (American History Leaflets, No. 33, N. Y., Lovell, 1902)—Contents: (1) Extracts from Gray's article in Quincy's *Reports;* (2) John Adams's contemporary notes of the speech; (3) Gridley's arguments from Keith's Note-Book; (4), (5), (6) Extracts from Tudor's *Otis.* This last was drawn almost entirely from John Adams's writing in his old age and hence not reliable.

HERTZ, GERALD BERKELEY.—*The Old Colonial System* (Publications of the Univ. of Manchester, Historical Series, No. III, Manchester, Eng., Manchester University Press, 1905)—An interesting treatment of the economic aspects of the imperial relationship. Being a British production, it inclines to stress the difficulties of the home government. But the colonial point of view also is presented and with fairness.

HOSMER, JAMES K.—*Samuel Adams* (Boston, Houghton Mifflin, 1900)—Favorable, but critical. The author too frequently reads his own opinions into the material without supporting it from the sources.

HOWARD, GEORGE ELLIOTT.—*Preliminaries of the Revolution, 1763-1775* (American Nation: a history, Vol. VIII, N. Y., Harper, 1905)—See chaps. I-VIII. An excellent account of the period. Should be read for what was being done in the other colonies besides Massachusetts.

HUTCHINSON, THOMAS.—*History of the Province of Massachusetts-Bay from 1691. Until 1750* (Boston, Thomas and John Fleet, 1767).

HUTCHINSON, THOMAS.—*History of the Province of Massachusetts-Bay from 1749 to 1774* (London, John Murray, 1828)—Hutchinson's histories are valuable as contemporary material for the period covered by this essay. Scholarly, although necessarily from the aristocratic point of view. Treatment not as full as could be wished.

KNOX, WILLIAM.—*The Controversy Between Great Britain and the Colonies Reviewed* (London, J. Almon, 1769)—"Perhaps the ablest statement of the case against the colonies" (Lecky IV, 69, n.). The author was under-secretary of state and one of Grenville's confidential writers.

LECKY, WILLIAM EDWARD HARTPOLE.—*History of England in the Eighteenth Century* (8 vols., N. Y., Appleton, 1888-1891)—See Vol. IV, chaps. XI and XII for the English relations with America, 1763-1776. An English history devoted primarily to events in England. Impartial and objective, but with full understanding for the colonial point of view.

OSGOOD, HERBERT LEVI.—*The American Colonies in the Eighteenth Century* (N. Y., Columbia Univ. Press, 1924)—Good for the Albany Plan, although it does not go into detail as to the connections of Massachusetts with it. In general, the treatment of Massachusetts history stops before the time covered by this essay.

PALFREY, JOHN GORHAM.—*History of New England* (5 vols., Boston, Little, Brown, 1858-1890)—Well balanced and impartial.

PORTER, EDWARD GRIFFIN.—"The Beginning of the Revolution" (JUSTIN WINSOR, *Memorial History of Boston,* 4 vols., Boston, Osgood, 1882-1886)—See Vol. III, pp. 1-66. Strongly pro-colonial, but with a wealth of detail.

SHIRLEY, WILLIAM.—*Correspondence* (N. Y., Macmillan, 1912)—Edited by C. H. Lincoln. Source material for the Albany Conference.

TUDOR, WILLIAM.—*Life of James Otis, of Massachusetts; containing also, Notices of some Contemporary Characters and Events, from the Year 1760 to 1775* (Boston, Wells and Lilly, 1823)—Represents what was known a century ago of the Revolutionary period, before critical historical research had been brought to bear upon it.

WEEDEN, WILLIAM BABCOCK.—*Economic and Social History of New England, 1620-1789* (2 vols., Boston, Houghton Mifflin, 1891)—See Vol. II, chap. XVIII, for writs of assistance. Strongly pro-colonial, but views the acts of England more in sorrow than in anger. Nevertheless, there is a touch of the newer historical philosophy, which understands that much of the course of history lies outside of the control of human beings, at least as they are at present constituted.

WELLS, WILLIAM VINCENT.—*The Life and Public Services of Samuel Adams, Being a Narrative of his Acts and Opinions, and of his Agency in Producing and Forwarding the American Revolution. With Extracts from his Correspondence, State Papers, and Political Essays* (3 vols., Boston, Little, Brown, 1865)—The author was a great-grandson of Adams. Painstaking minutiæ. Many extracts from his writings.

WOOD, GEORGE ARTHUR.—*Life of William Shirley, Governor of Massachusetts, 1741-1756*: Vol. I (Columbia Studies in History, Economics and Public Law, Vol. XCII, Whole No. 209, N. Y., 1920).

CHAPTER XVI

MASSACHUSETTS IN FERMENT (1766–1773)

By Viola F. Barnes
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Repeal of the Stamp Act (1766)

Distressing reports concerning colonial opposition to the Stamp Act in the autumn of 1765 struck the English ministry with surprise and consternation. Here and there frenzied mobs had violently destroyed the stamps and forced the collectors to resign, making it impossible for the act to go into operation. Petitions, memorials and resolutions were arriving on every boat, denying the right of parliament to tax the colonies; and worst of all, the colonial merchants had banded together in "illegal and hostile combinations" to stop importation of British goods, thereby threatening the ruin of British merchants and manufactures. Parliament was forced to give heed to these portents, and to consider whether the Stamp Act should be forcibly put into operation or abandoned.

During the debate in the House of Commons, Benjamin Franklin was called and questioned on the colonial point of view. When asked what had been the opinion in America before 1763 on parliamentary taxation he claimed never to have heard objection to the imposition of duties for regulating commerce, "but a right to lay internal taxes was never supposed to be in Parliament, as we are not represented there." Pitt supported this argument. "Taxation" he declared, "is no part of the governing or legislative power. . . .The Commons of America, represented in their several assemblies, have ever been in possession of the exercise of this, their constitutional right, of giving and granting their own money." At the same time England, "as the supreme governing and legislative

power," could bind the colonies "in everything, except that of taking their money out of their pockets without their consent." This distinction between external and internal taxation Grenville and his followers were not willing to accept. They insisted that England "has the sovereign, the supreme legislative power over America," and that "taxation is a part of that sovereign power."

In the House of Lords there were advocates of both points of view. Lord Mansfield claimed that the colonies were as much represented in Parliament as the greatest part of the people of England were, and proceeded to expound the theory of virtual representation. Believing the Stamp Act unimpeachable constitutionally, he disapproved of its repeal on grounds of expediency. England must proceed with spirit and firmness and when her authority was established it would then be time to show leniency. On the other hand Lord Camden declared the "distinction of a virtual representation so absurd as not to deserve an answer." He believed that "taxation and representation are inseparable," and that "whatever is a man's own, is absolutely his own; no man hath a right to take it from him without his consent, either expressed by himself or representative."

The outcome of the parliamentary debates was a compromise. Both houses voted to repeal the Stamp Act because its continuance "would be attended with many inconveniences," and might be "productive of consequences greatly detrimental to the commercial interests of these kingdoms." At the same time a Declaratory Act was passed asserting that parliament "hath . . . full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of America . . . in all cases whatsoever." The Sugar Act was later modified in accordance with this principle, but with respect to the demand for economic redress. The duty of three pence a gallon on foreign molasses was lowered to a penny, but placed on all molasses imported into the colonies. It became thereby a duty levied for revenue purposes and not for regulation of trade. By these new measures Parliament, while abandoning the obnoxious economic features of the Stamp and Sugar Acts, not only declared its right to tax for

revenue, but exercised that right by leaving on the statute books a revenue law.

Colonial Reception of Repeal (1776)

The colonists everywhere received the news of repeal with joy. For the most part they gave little thought to any other aspect of the matter than that the hated measure no longer existed; although copies of the Declaratory Act arrived with those of the act repealing the Stamp Act. A few people somewhat uneasily recognized the fact that the mother country had not conceded the principle at stake; but consoled themselves with the thought that it little mattered so long as no attempt was made to put that principle into practice. The spectacular support of the colonial cause by men in high places in England had much to do with convincing Americans that the mother country would never again tax them. Strangely enough, they seem to have overlooked the full significance of the change in the character of the Sugar Act.

The elation of the radicals in Massachusetts during the month of May was caused as much by their local party victory as by the repeal of the Stamp Act. In 1765 and 1766 two distinct groups can be easily distinguished; first, friends of existing government, English and colonial, the most prominent of whom were Governor Bernard and Thomas Hutchinson, lieutenant governor and chief justice; and second, the aggressive radicals, led by James Otis and Samuel Adams. In the General Court these two hostile parties worked in almost continual opposition; but in the Merchants' Club where the emphasis was primarily economic the line of differentiation was not always so easily discernible. The radicals fought for leadership here also, and ultimately won. Back of the radical party of the General Court was the town of Boston, whose meetings were dominated by the Caucus Club. It is apparent, therefore, that all the important political and economic organizations of Massachusetts sooner or later came under the leadership of a small but powerful group. This group took advantage of the Stamp Act controversy to campaign for control of the legislature. In the spring elections of 1766 an increase in the number of radicals in the House made pos-

sible the elimination of six conservatives of the Council, including Hutchinson, Oliver and other friends of government, and the selection of that number of radicals. Of these Governor Bernard negatived five, besides James Otis, Sr., a councillor of three years' standing; but he could not thereby prevent radical control of the Council. This change in personnel was to have important influence in the development of the revolutionary movement in its next phase.

Samuel Adams as Leader (1750–1766)

The effectiveness of radical control of Boston in 1766 and the years immediately following was naturally dependent upon the nature of the leadership of this group. From the standpoint of the revolutionary movement it was fortunate that there was at hand a leader with the peculiar genius of Samuel Adams. At the time of the repeal of the Stamp Act he was a man of forty-four years of age; and, if appraised by the standards of success of his fellowmen, up to this point a failure in life. He had inherited from his father a home and a well-established business, but it took him only a short time to run through his property. He had served the town of Boston as tax collector for a number of years, but in the end his lack of business ability brought him into the embarrassing position of a technical "defalcation." It was a strange situation in which he found himself in 1766, a man of good social standing, educated at Harvard, prominent in local politics as a leader in Boston town affairs, respected in his clubs for the fertility of his ideas and liked because of his persuasive personal magnetism; yet at the same time, unable to make a living, untrustworthy in responsibility of the practical sort, and lacking in definite aim and ambition. England's unwise policy of 1764 and 1765 gave him a purpose in life and prepared the way for his important part in the Revolution.

His first opportunity for leadership came in the autumn of 1765 when the town of Boston elected him representative to the General Court to fill out the unexpired term of Oxenbridge Thacher. The Boston delegation, particularly Otis and Thacher, had up to this point struggled for control of the House in order to force on the province government a radical

program of resistance against England's new policy. When the General Court met in the autumn of 1765, Thacher's death and Otis's absence at the Stamp Act Congress left an opening for Adams. A dual role gave him opportunity to voice his sentiments forcibly against the new measures. Adams was appointed by the town of Boston member of a committee to draft the instructions to the four representatives in the General Court. He therefore was enabled to map out his radical program and present it in the House with the authority of his constituents' support. The important feature of these instructions was that the representatives were "by no means to joyn in any publick Measures for countenancing & assisting in the Execution" of the Stamp Act. Boston then tried to persuade all the towns in the colony to adopt instructions supporting this suggestion. Adams was very thorough in his propaganda campaign and succeeded in stirring up most of the towns to pass similar resolutions.

From this time Sam Adams (as he was frequently called, then and since) remained in the limelight. During the winter and spring of 1765 and 1766 he, in conjunction with Otis, dominated the radicals in the Caucus Club, in Boston town meeting and in the General Court. Moreover, Otis at least had had a taste of success in influencing the course of events outside of the province of Massachusetts by his activities at the Stamp Act Congress. A danger point of the Revolution for the future lay in the quality of leadership of these two men. Unforeseen causes of trouble might suddenly arise in some other province and force it into the lead; barring such accident, Massachusetts was the colony destined by political background and tradition, and now by the serious commercial situation, to point the way to independence. The colony had at hand leaders of potency, of little continental reputation, but bent on direct forceful—perhaps forcible—action.

Conservative Party in Massachusetts (1765–1766)

The path of the Boston radicals was not without obstructions, for that town was also one of the strongholds of local conservatism and loyalty toward England. The small circle of best families formed an aristocracy of wealth, education

and social position, which had given its members political prominence and established them as a strong conservative bulwark against the rising tide of political and social democracy. Typical of this group was Thomas Hutchinson, of an old and well-known family whose wealth had been acquired chiefly in commerce. Because of the nature of their business interests the connection of this group with the mother country was naturally very close. In legal and political as well as in commercial traditions these men were in sympathy with the mother country, although for the most part opposed to England's new policy. In the trying period of the Stamp Act controversy they found themselves in danger of being ground between the upper and the nether millstones. On the one hand they disapproved of the new commercial measures because of the effect on their trade; on the other hand they feared the levelling political and social process which the radicals were forcing on the colony through the lever of England's unwise policy. Of the two dangers they feared the local menace more. For the most part, then, throughout the whole revolutionary movement the Massachusetts merchant class followed either a hesitating policy or one of obstruction; although at times a part of the group came under the control of the political agitators.

Massachusetts Merchants and Radicals (1766)

In 1766 the merchants and the political radicals reacted quite differently to the ministerial decision. The business depression of the last few years had not passed away and the merchants could see little hope that it would under the existing conditions. Their dissatisfaction antedated the measures of 1764 and 1765, which they looked upon rather as an accentuation of a bad situation than as the chief cause of their troubles. A careful examination of the whole commercial system had opened their eyes to the need of reform along many lines. For the purpose of presenting to Parliament a constructive program of reform they had organized the Merchants' Society in 1763; and this body drew up a report objecting to the restrictions placed on the molasses trade, on the export of foreign logwood, and of flax seed,

lumber and potash to Ireland, on the importation of fruit, and wines of Spain and Portugal, on extension of the courts of vice-admiralty. Particularly they were incensed at the vast amount of red tape connected with shipping and inspection of cargoes. Even before this report was ready, two new economic grievances were added, the enforcement of the act for encouraging the Newfoundland trade and the revised Sugar Act of 1766. Furthermore, already convinced of the economic unfairness of certain features of the commercial system, the merchants were kept continually on edge by the seizure of their vessels through the increased vigilance of the customs officials and by the surly and overbearing manner of these servants of the Crown. From the standpoint, then, of economic grievances, the year 1766 did not bring relief, but left the merchants in a state of dissatisfaction, unrest and uncertainty. Herein lay a great danger. The economic situation offered opportunity to the political radicals to seize the leadership in the Merchants' Society as they had in the General Court.

The joy of the Boston radicals over the repeal of the Stamp Act was somewhat modified by the request of the Governor and later of the British Secretary of State that the colony indemnify the sufferers from mob violence. This request placed the leaders in a most uncomfortable position. They did not wish to block it in the Assembly lest the colony lose the support of their English sympathizers. On the other hand to advocate it would jeopardize either Boston's leadership in the Assembly, or their own leadership of the town of Boston. Since the representatives from the other towns believed that Boston should bear alone the expense of compensation, it took considerable manoeuvering to get the burden foisted on the colony as a whole. At the same time these clever manipulators managed to turn the irritation of the out-of-town representatives from Boston to the mother country, who had demanded this sacrifice.

Declaratory Act and Townshend Acts (1766–1767)

The Declaratory Act may have been overlooked by the exultant popular leaders of Boston and their disciples in the other towns, and ignored by the preoccupied merchants; but

its significance as regards the constitutional aspect of the revolutionary movement cannot be underestimated. In fact, if one were looking for a turn in the course of that unhappy struggle, what more critical stage could be selected? The optimistic belief held by so many colonists that the Declaratory Act was merely England's last word flung out to save the face of government in a humiliating defeat, was not justified; for on its firm foundation of supreme legislative authority Parliament proceeded to build a new policy of legislative control.

As is well known, William Pitt headed the new ministry of 1766; but through his illness the mantle fell upon Charles Townshend, a man of bold and ready wit who charmed his followers into a colonial program of indiscretion and folly. Believing that the American military establishment should be for the most part self-supporting and that the chief civil officials should be independent of local control, he announced his intention of raising funds for these purposes from the colonies by a method consistent with their logic. He had no sympathy with the distinction they drew between external and internal taxes; but he was willing to concede to what he thought was the colonial interpretation of the constitutional power of Parliament. He introduced a bill laying duties on lead, glass, paper, paint and tea imported into the colonies, the funds to be used first for payment of the salaries of civil officers and second for defence. He did not attempt to gloss over the fact that the act was intended as a revenue measure, for a statement to that effect was made in the preamble. Another act was passed the same day, providing machinery for the stricter administration of the laws of trade. An American board of customs commissioners was established with headquarters at Boston and powers formerly possessed by the customs board in England. Two weeks earlier, Parliament had enacted a measure which did not directly touch Massachusetts but which was almost as much resented in that colony as though it did. The New York Assembly, having refused to provide supplies exactly as required by the Quartering Act of 1765, was by act ordered suspended until it should comply.

The Commercial Boycott of 1767

The commercial colonies appear to have seen the economic effects of the Townshend Revenue Act before they realized its full constitutional significance. The inhabitants of Boston took the lead by a town-meeting agreement (October 28, 1767) not to use certain enumerated articles of luxury and others which could be replaced by colonial manufacture. The meeting also declared itself in favor of non-importation and encouragement of manufactures. The selectmen sent a copy of this agreement with a letter of explanation to the other towns in the province and to the near-by colonies. This non-consumption movement soon spread throughout New England and to the middle and southern colonies, and was received everywhere with enthusiasm. It became the fashion to use clothes of home manufacture and to drink a substitute for tea.

Non-importation as a boycott measure for forcing redress of grievances seems to have come later. March 1, 1768, the merchants of Boston held a meeting of the Society, and a few days later adopted a pretty thorough-going non-importation agreement. They agreed that for one year they would not order any European commodities except a very few enumerated necessities, they would give the preference in trade to subscribers, and they would put the agreement into operation as soon as similar ones were adopted by the principal trading towns of Massachusetts and the neighboring colonies. A committee appointed for the purpose sent letters as far south as Charleston. The movement took effect more slowly in the southern colonies, which suffered much less from the trade restrictions than did the northern and middle colonies. Hence the southern agreements were not so strict, permitting as a rule the importation of all British goods except those taxed by Parliament and a few others carefully specified; the agreement to continue until the taxes were removed. By November, 1769, twelve of the continental colonies—New Hampshire still stood out—declared in favor of non-importation.

Rigorous measures were used to enforce the agreements: first, by enrolling additional subscribers; second, by holding them to their promises. Those refusing to conform were boy-

cotted politically, commercially and socially, and if they became conspicuous in their refusal to cooperate they often suffered from the violence of the mob. Tar and feathers, effigy hanging and severe beatings were common. The system at this time was really upheld more by intimidation than by enthusiasm.

Massachusetts Circular Letter (1768)

The most important political protest against the Townshend Acts was the Massachusetts circular letter of February 11, 1768. The radicals first introduced a motion in the House of Representatives on January 21, suggesting that a letter be sent to the other colonies urging them to join with Massachusetts against the new measures. The motion was lost by a considerable majority. Samuel Adams refused to accept this decision as final; and after two weeks of campaigning, succeeded in bringing the motion again to vote. This time it passed and Adams was appointed to prepare the text of the explanatory letter. The final draft contained a remonstrance against the taxation feature of the revenue measure, against the use of the funds accruing therefrom for the salaries of governors and judges, and against the establishment of the new customs board. This letter was sent to the assemblies of all the continental colonies, suggesting united action and asking each one to take a similar stand. British statesmen considered the whole procedure seditious, particularly the proposal for cooperation of all the colonies against the Townshend Acts. Hillsborough, the new secretary of state for the colonies, at the King's command ordered the Massachusetts General Court to rescind the resolutions upon pain of dissolution, and threatened the other assemblies with like treatment if they acted on the letter. This demand stung Massachusetts into further defiance, the General Court voting by 92 to 17 against rescinding. Dissolution failed to break the spirit of resistance. Throughout the colony the supporters of the vote were lauded for their courage. Paul Revere made a silver punch-bowl "to the memory of the Glorious Ninety-Two Members" who furnished the necessary majority, and even in England toasts were drunk to them. The

other colonies were no less difficult to intimidate, for they accepted the idea of united action, as a result of which their assemblies were in many cases dissolved by the governors, who of course throughout received instructions from England and stood for the English policy.

Massachusetts Convention of 1768

As the time of the regular session of the General Court in the autumn of 1768 drew near, the Boston Town Meeting petitioned the Governor to convene that body. Upon his refusal the town decided to call a convention of delegates from the various localities of Massachusetts to consider the state of the province. Every effort was taken to make this meeting appear like a regular session of the General Court. Boston and many other towns chose as delegates to the extra legal convention their regular representatives. The meeting, when convened September 22, 1768, elected Thomas Cushing, the previous speaker of the House, chairman. During the week in which the convention was in session, the radicals sought to swing the balance toward revolution; but found they were prevented by the conservatism of the country delegates. Circulation of a rumor that troops had been sent to Boston gave the radicals their best weapon. It seems probable that they approved of Samuel Adams' threat to "destroy every Soldier that dares put his foot on Shore," and hoped to stir the town to armed resistance upon the arrival of the soldiers. All that the convention achieved were two petitions to Governor Bernard to call the Assembly, a letter to the colony's agent in England, and a set of resolutions.

From the time of the Stamp Act controversy, Governor Bernard had grown increasingly unpopular. The radicals endeavored to make things too hot for him in the summer of 1768, but dissolution of the General Court prevented. The next year a petition, charging him with gross misrepresentation of province conditions to the home government, and asking for his recall, passed the General Court unanimously. Hence, when he was summoned to England in July, the radicals interpreted it as a victory.

Probably in answer to the defiant action of Massachusetts

in calling a convention, Parliament in the autumn of 1768 addressed the King, praying him to give order that colonial inciters of rebellion be sent to England for trial according to the treason act of Henry VIII. The most outspoken resentment against this action came from the Virginia House of Representatives where George Washington introduced the so-called Virginia Resolves of 1769. These contained, besides the usual assertion of exemption from parliamentary taxation, an insistence on colonial right to petition the King for redress of grievances; and a protest against taking any one out of his colony for trial beyond the sea. These resolves, like other revolutionary literature, were distributed among the rest of the colonies and everywhere met with approval.

Revolutionary Literature and Argument (1766–1770)

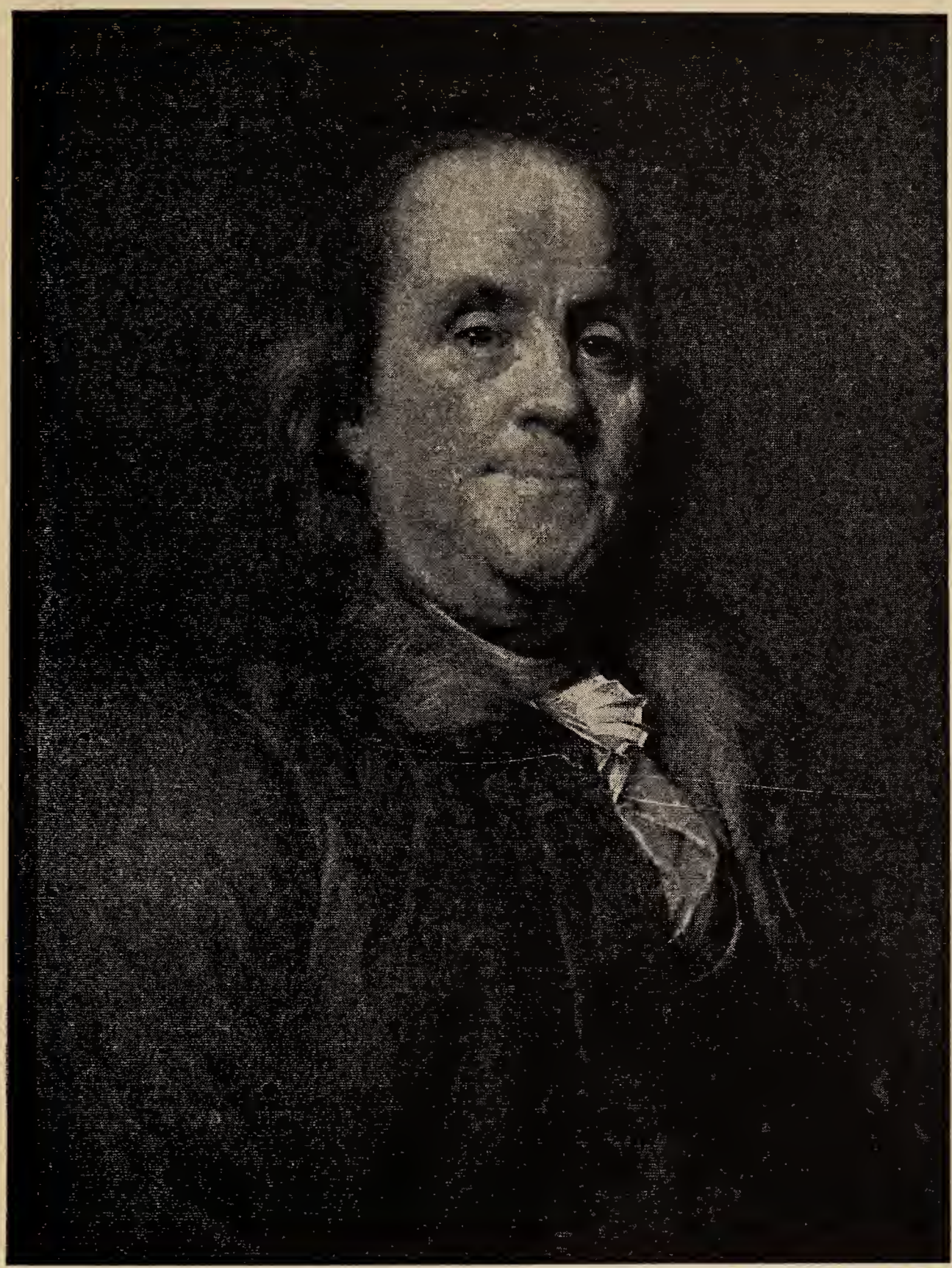
Although one finds the petitions and resolutions of assemblies and town meetings for this period much alike in tone and arguments, throughout the colonies there was a greater variety in the political pamphlets and newspapers. The former emphasized the right of the colonies to be taxed only by their elected assemblies; and emphasized the impossibility of their being represented in the British Parliament. Articles in the newspapers ranged from rhapsodic and sentimental ravings about saving unborn generations from slavery, to carefully thought-out reasoning concerning the nature of the Empire and the relationships of its various parts. Among the pamphleteers of the period none was more able than John Dickinson, the author of *Letters of a Pennsylvania Farmer*. His chief effort was to explain what was wrong with the Townshend Revenue Act. He admitted that Parliament had the right to regulate the trade of the Empire. Such a supreme central legislative control was necessary for the good of the whole, and had long been exercised. But he insisted that only the colonial assemblies could tax the colonies. In placing restrictions on colonial trade, then, the power of Parliament extended to the levying of duties intended for regulation, but not for revenue. He argued that the motive of the lawmakers, or the purpose of the act, should determine the legality of the measure. His articles were read eagerly by the radicals in Massachusetts.

Samuel Adams also tried his hand at drawing a distinction between the power of Parliament and of the colonies. He conceded to Parliament a supreme legislative authority in the Empire, but claimed for the colonial assemblies freedom in local matters. These rights he derived from the British Contitution, which was fixed in the law of God and nature. Since man's natural right is to enjoy and dispose of his own property, Parliament could not overstep its bounds and tax the colonies without destroying the very foundations of the constitution.

Many people, including Benjamin Franklin, found these distinctions too subtle to be convincing. He confessed he was "not yet master . . . of the idea these writers have of the relation between Britain and her colonies. I know not what the Boston people mean by the 'subordination' they acknowledge in their Assembly to Parliament, while they deny its power to make laws for them, nor what bounds the Farmer sets to the power he acknowledges in Parliament to 'regulate the trade of the colonies.' " He accented the difficulty of drawing lines between duties for regulation and those for revenue. These fine-spun discussions on abstract rights interested the thinking men of Franklin's type; and they had their place in the evolution of a revolutionary philosophy; but they probably exercised far less influence on the actual development of public opinion than the picturesque emotional appeals flung out by the newspapers, the preachers, and mass meeting speakers. The threat of bondage for their children and their children's children was a more potent stimulus than a dissertation on the character of the British Constitution.

Fear of an American Episcopate

Among other causes for irritation in 1768 was the dread of an American episcopate. There seems to be no indication that England had any serious intentions of establishing one, but the fear was as genuine, particularly in the northern colonies, as though it were well founded. During the years 1767-1771 there was much agitation in some of the colonies over the matter, for here and there Anglican clergymen actually petitioned England for an American bishop. It was unfortunate



From the portrait in the Boston Public Library

BENJAMIN FRANKLIN

that a controversy should have arisen in the colonies over episcopacy during these crucial years, for the political agitators made use of it to stir the masses against the mother country. They pointed out that Parliament would doubtless tax the colonies for the support of the bishop, and the Anglican faith would be the established church in all the colonies. The House of Representatives in Massachusetts declared the prospect very alarming to a people whose fathers had fled from England because of the hardships they there suffered under such an establishment. Even in the southern colonies where the Church of England was strongly intrenched there was opposition to the episcopate because of fear of outside control. Although England's unwise imperial policy of the seventeen-sixties did not include appointment of an American bishop, the share which colonial fear of such action contributed to the revolutionary movement must not be overlooked. It had considerable weight, especially in Puritan and Congregational New England.

Activities of the New Customs Board (1768)

The coming of the Customs Board was anticipated with dread by the supporters of government, particularly when the vessel bringing them arrived just in time to land them on Guy Fawkes Day. November 5th had always been somewhat hilariously celebrated in Boston, and ever since the Stamp Act was associated in the minds of propertied Bostonians with mob violence. The five commissioners were escorted through the town by the holiday procession, along with figures of the Pope and the Pretender. The Devil of the celebration bore the placarded name "Charles," meaning one Paxton, a former unpopular customs officer, who was now returning as one of the commissioners. Whenever Paxton stopped, the Devil imitated him; but beyond this embarrassment no insults were offered. The crisis having passed without bloodshed, people watched with nervous tension to see how seriously these new officials would take their responsibility.

It was soon apparent that the trade laws were to be for the future strictly enforced. Among those most concerned over the prospects were the smugglers of Madeira and Span-

ish wines on which there was a heavy duty under the act of 1764. John Hancock's sloop *Liberty* was among the first to suffer. It arrived May 9, 1768, with a considerable cargo. The tide-waiter upon boarding the vessel was treated to punch, and then approached on the subject of allowing a few casks of wine to be landed that night without paying duty. When he refused to countenance it, he was forcibly detained below, while the noise of hoisting and landing cargo could be plainly heard.

Some time afterward he got up his courage to report these proceedings, as a result of which the sloop was seized for non-payment of duty and placed under the protection of the *Romney* man-of-war. Almost immediately a mob was gathered, and it attacked two of the commissioners, beating them with clubs and in its frenzy nearly killing them. Afterward the mob visited their houses and broke the windows, but departed without destroying the buildings. Finding a boat used by one of the collectors, the rioters dragged it to the Common and there made a bonfire of it. The commissioners, who fled to the man-of-war after this assault, appealed to the Governor for protection, but he had to admit that he could offer nothing except refuge for them and their families at Castle William. They repaired thither, establishing the Customs Board office there. They knew, however, that it would be impossible to carry on business in such a state of siege, so they petitioned Admiral Hood at Halifax for aid. The *Liberty* was eventually confiscated under legal proceedings, Hancock refusing the proposal of the port authorities to return the vessel if Hancock would pay the duties.

British Troops and "The Boston Massacre" (1770)

Other information concerning the need of troops for police purposes had already reached England. The time had come, the ministry believed, for strengthening the weak civil authority with force. Two regiments were ordered to Boston, where they arrived September 28, 1768. It is difficult to tell whether their presence was more mob preventative or provocative. The townspeople naturally viewed them with

hostility, since they represented not only law enforcement but outside interference. Ultimate trouble seemed inevitable.

The crisis came, March 5, 1770, when the sentinel stationed before the Customs House door was pelted with snowballs by some boisterous youths. He called for aid, which only served to draw a crowd to see the excitement. Some of the soldiers were roughly handled, and at last several shots were fired, whether under order or not is difficult to tell. As a result four of the crowd were killed. Paul Revere afterward made a colored engraving, showing the troops shooting down defenceless people in the streets, and labelled it "the Boston Massacre." To call this clash between an irresponsible crowd and soldiers on police duty a massacre was melodramatic, but it stirred the excitable inhabitants of Boston to a frenzy and gave the revolutionary leaders cause for demanding the removal of the troops from the town. Governor Hutchinson dared not refuse. The soldiers implicated were given a fair trial and all but two were acquitted, these receiving only a light punishment.

John Adams, who up to this point had been rising to prominence in the popular cause, served as one of the counsel for defence of the soldiers. Apparently he accepted this position somewhat reluctantly, but his New England conscience forced him to face what appeared to be his duty. He believed that the soldiers had not been treated fairly; and that a few radical leaders, thirsting for power, had taken advantage of the whole affair to stir the people against England. He himself had been keen in 1765 to oppose the Stamp Act, but he recognized the distinction between a real and a concocted grievance. For this hearkening to the still small voice, he paid the price of temporary unpopularity, and had to suffer the humiliating charge of having undertaken the case for the reward of heavy fees.

Repeal of the Townshend Act and Effect on Non-Importation (1770)

On the very day of the Boston Massacre, Lord North proposed to the House the repeal of the Townshend duties. In answer to the petition of the London merchants he stated

it as his belief that their trade difficulties were due to the associations formed in the colonies and not to the character of the duties. These he now proposed to repeal, not because of pressure from the colonies but because taxing British manufactures was "contrary to the true principles of commerce." But for what he considered the rebellious state of the colonies he would have urged removing all the duties; under the circumstances he believed it expedient to retain the duty on tea (not a British manufacture) as an assertion of Parliament's right to tax the colonies.

For the Boston merchants the retention of the duty on tea offset the advantages of the repeal of the other duties laid by the Townshend Revenue Act. Upon the arrival, April 24, 1770, of news concerning parliamentary action, they held a meeting and resolved to stand by the non-importation agreement until the tax on tea was removed. Other towns in eastern Massachusetts supported Boston; and soon the leading centers in New England had followed suit, except Newport. Because of the latter's defection the northern and middle colonies passed a vote of non-intercourse with Rhode Island. The southern colonies charged Georgia with the same offense of accepting the British decisions. In the meantime the conservative element among the merchants everywhere was growing in strength. In New York it defeated the radicals; and soon that colony declared its intention to import all British goods except those on which the duty still remained. New York's action was at first bitterly denounced, but in a short time Philadelphia followed the example, and with the arrival of news of that city's decision, the Boston merchants voted, October 11, to follow suit. Soon the northern ports were open from Portsmouth to the Delaware, after which the southern colonies also abandoned non-importation.

This break-down in non-importation in 1770 was due chiefly to the unwillingness of the merchants to undergo further commercial losses merely for a constitutional principle. The tradesmen were weary fighting business ruin. The people everywhere felt the pressure of the scarcity of goods and the increased cost of living, and were growing suspicious of the real patriotism of the merchants. As long as the radical agitators could combine commercial and constitutional

grievances they could carry the support of the merchants and consumers both; but when these groups saw the trade restrictions partly removed, they were not willing to hold out any longer in the hope of obtaining English recognition of the colonial theory of taxation. Moreover there had been many injustices in the working of the boycott, and not even the most radical of the subscribers had always acted with sincerity. The non-importation movement, begun as a weapon of the merchants for winning redress of commercial grievances, ended in the hands of the radicals who used it in the battle with England over constitutional liberty. The commercial interests of the colonies, having obtained a part at least of what they had struggled for, were now more apprehensive of business stagnation and of the danger from anarchy, stirred up by the political agitators, than of further injury to trade by the continuation of the remaining restrictive statutes.

Committees of Correspondence (1772)

Deprived of non-importation as a weapon of agitation, Samuel Adams now turned his attention to the forging of another instrument. The immediate occasion for action was the announcement that the salary of the judges as well as of the Governor would be henceforth paid by England. A Boston Town Meeting, October 28, 1772, voted that this decision tended to "compleat the system of slavery which originated in the House of Commons." Adams introduced a motion for the appointment of a committee to "state the Rights of the Colonists and of this Province in particular," listing the infringements; to publish the same to the world; and to ask each town in the province to communicate its sentiments on the subject. Report was made November 20. Herein all the grievances were noted: extension of the power of the admiralty courts; use of writs of assistance; restrictions on manufactures; intimidation by fleet and troops; threat of episcopacy; control of governors by royal instructions; and payment of his salary from English funds. The suggestion that each town appoint a committee of correspondence to reply brought into existence a revolutionary machine, which

later became highly effective in developing public opinion and bringing united action.

This local device soon was taken up by other colonies, stirred by the *Gaspee* affair. In all the colonies, attempts to prevent smuggling had been met with resentment, sometimes passively and sullenly and occasionally with violence, as in the case of the *Liberty* sloop at Boston. The customs officers found it particularly difficult to enforce the trade laws in Connecticut and Rhode Island. To aid them, ships of war and revenue cutters were stationed in American waters. One of these, the *Gaspee,* commanded by Lieutenant Dudington, patrolled Narragansett Bay, where there was so much feeling against the commander that he could not set his foot on land without risking insult. June 9, 1772, the *Gaspee* ran ashore a few miles below Providence, thereby falling into the hands of a mob from the town who seized the vessel and burned her on the sands. The British ministry, stirred to wrath by this act of vandalism, appointed a special commission of investigation instructed to send the offenders to England for trial on the charge of treason. In response, the Virginia Assembly appointed a standing committee of correspondence to supervise what was done, and asked the other colonies to follow her example. The British commission could not obtain evidence sufficient to warrant any arrests, so the only outcome of this unfortunate affair was the creation of a new and very effective organ of international association.

The Hutchinson Letters (1773)

The years 1770-1773 offered opportunity for the embers of agitation to die out. There was no longer on the British statute book any one outstanding measure against which all the colonies were crying. England, having conceded the inexpediency of the Townshend Revenue Act, held out only for the principle in the form of a tax too small to have been an economic grievance. The merchants, tired of the incessant bickering, accepted this decision as sufficient excuse for a truce. The people of Boston, with the removal of the troops, had much less to remind them of the slavery which Samuel Adams prophesied was to be forced upon them. And if Boston

would keep quiet, the chances were that the spirit of revolution in Massachusetts and other colonies would die out for want of leadership. This apathy Samuel Adams feared and tried to fight by incendiary letters and essays in the local papers. Governor Hutchinson, instead of passing them by unnoticed, took pains "to procure writers to answer the pieces in the newspapers which do so much mischief among the people." Naturally these articles did not silence Adams's guns, but still the old Governor wished to present the side of government. In an address to the General Court in January, 1773, he declared that he could no longer delay "communicating his sentiments"; and he proceeded to give an exposition of his conception of the nature of the Empire and the power of Parliament over the colonies. To this speech the House made a long and elaborate argumentative answer which showed that body very far from being won over to the Governor's point of view.

Within a few months the General Court by unexpected good fortune found the means to drive the unpopular Governor from his post forever. In June, Samuel Adams dramatically asked that the galleries of the House be emptied so that he might communicate a matter of very great importance. He then announced that through a friend he had come into possession of letters procured in England, highly inimical to the liberties of America. These documents, written by officials of the colony to those in authority in England, could be presented to them only on condition that no copy be made or printed. The House, after hearing Adams read a number of the letters, appointed a committee to examine them and agreed with its report that they were designed to undermine the constitution and to introduce arbitrary government.

The hostile buzzing soon reached the ears of Governor Hutchinson, who requested the General Court to let him see the letters. The House refused, but sent him the dates of some of them, hoping thereby to force him to publish his own letters. But the wily Governor was not to be tricked into exposing himself further to popular disapproval. He admitted having written letters on those dates, but denied that they contained sentiments different from those he was already known to have expressed in his public speeches and in his history. In some

way copies of the letters, among them several of his, began to appear on the street, after which the House decided to print them in spite of its promise. Knowing that their publication would destroy what little confidence people might still have in Hutchinson, the House, just before the letters came out, published a set of resolves asking that the King remove Hutchinson and Oliver. The influence of the Governor was at an end; he held out for a year, and then left for England, never to return. Thus the radical group, which had already driven one governor out of office and had won control of both houses in the General Court, scored an irrevocable triumph.

The Tea Act (1773)

In spite of local causes of friction and of the strict enforcement of the Acts of Trade everywhere, the radicals lacked a general grievance which could be made the rallying point for all the colonies against the mother country. Suddenly the British ministry played into their hands by passing the Tea Act of 1773. It was the purpose and not the form of this new measure which made it objectionable, for it was designed to aid the East India Company, at that time in a bankrupt condition, by granting to it a monopoly of the colonial tea market. While retaining the three-penny duty on tea imported into America, it allowed a full drawback of duties charged in England on all tea exported to the colonies, and gave the company the privilege of shipping the tea directly from its warehouses to consignees of its own appointment in America. Inasmuch as the colonial merchants, even the Bostonians, had been paying the duty since the abandonment of non-importation, the measure could not be interpreted as a new attempt of England to tax the colonies in order to prove parliamentary right; nor was there any more reason for protest against the tea duty than against that paid on molasses since the revision of the Sugar Act in 1766. Furthermore, American consumers could now purchase tea at about half its former price. Having eliminated the middlemen by arranging to retail the tea through its own consignees, the company could sell it at less even than the smuggled product. As an economic measure, then, it brought no hardship to the majority of people, but

handicapped only the merchants. The first outcry against the act came from the latter, who objected to it as an unfair monopoly. On this score it is doubtful whether they could have roused public opinion to the point of supporting them in any serious campaign of protest.

The radicals made the most of their opportunity to feature the act as a grievance against the mother country. At a joint meeting of the Caucus Club and the Boston Committee of Correspondence a vote was taken that the tea should not be landed. The Sons of Liberty demanded the resignation of the consignees, who, by the way, were related to the much-despised Hutchinson. Upon their refusal the organization tried to intimidate them, but unsuccessfully. The Boston Town Meeting now turned the issue into a political one by resolutions reviving the old argument on taxation without representation, and announcing its intention of preventing, if possible, the sale of the tea. The merchants were urged not to import any dutiable tea until the act was repealed, and the consignees were to be again invited to resign. This action was immediately reported by the Committee of Correspondence to the other towns of the province. The radicals believed the ideal measure for uniting economic and political opposition against the mother country had come to hand. It remained only to keep the more conservative merchants and the agitated masses working together.

The Boston Tea Party (1773)

At this juncture the first of the three tea ships arrived in Boston harbor. Samuel Adams called a meeting of the committees of Boston and the nearby towns at Faneuil Hall to consider what should be done. Because of the eager crowds that came to hear the discussion he soon found it necessary to adjourn the gathering to the Old South Meeting House and turn it into a general mass meeting. Resolves were passed proclaiming that the tea be not allowed to land. The owner of the tea ship, thus facing a serious dilemma, asked the governor for a permit to leave before unloading the tea, but was refused. According to law, if the tea were not landed by

December 17, and the duty paid, the customs officer could seize the vessel and sell the tea at auction.

The controversy was deadlocked, since the consignees would not resign, the Governor would not give the vessel permission to leave, the customs officer refused to make any exception concerning the seizure, and the people kept a guard day and night on the shore to prevent the landing of the tea. On the evening of December 16, several thousand inhabitants of Boston and the nearby towns gathered at the Old South Meeting House, and made one last demand upon the Governor and of the customs officer, but to no avail. Samuel Adams then declared to the assembled throng that they could "do nothing more to save the country." This statement was apparently taken as the cue for action by some men waiting outside. Conspicuous in their Indian disguise, they rushed through the streets to the wharf, boarded the vessels (for there were now three in harbor), broke open the tea chests and dumped the tea into the water.

The radicals were much elated over the "tea party." Samuel Adams considered it "as remarkable an event as has yet happened since the commencement of our struggle for American liberty." James Warren claimed to have long desired to see the people "strike some bold stroke and try the Issue." Now that they had done it, he believed they were for the most part, "universally pleas'd." John Adams in exhilaration confided to his diary, "There is a dignity, a majesty, a sublimity in this last effort of the patriots, that I greatly admire." Others in Boston were more dubious. John Rowe was "sincerely sorry for the event" and noted in his diary that some people were "much alarmed at the disastrous affair."

The work of the radicals of Boston was not yet complete. The Tea Party had been staged as much for its effect outside the colony as within. They believed with James Warren that the ministry "could not have devised a more effectual Measure to unite the Colonies," and proceeded at once to correspond with them over the event. Here and there the Tea Act roused antipathy, but nowhere did the radicals act with such daring as at Boston. At New York and Philadelphia the tea ships were not allowed to land, but there was no attempt to destroy the property of the company. At Charleston the people pre-

vented the landing of the tea until it was finally seized by the collector for non-payment of the duty and stored.

Opinion in the colonies varied concerning the violence of the Bostonians. At New York and Philadelphia crowds of people excitedly proclaimed their approval, but prominent individuals who could better appreciate its full significance were much concerned for the future. Benjamin Franklin called it "an act of violent injustice," while Henry Laurens, unwilling to go so far as to condemn the destruction of the tea, said he preferred the action taken by Charleston. To the disappointment of the perpetrators, the 'Tea Party' nowhere produced anything more than momentary applause.

Gradually radicalism began to die down, even in Massachusetts. Again the efforts of the Boston leaders to unite the colonies in a common grievance had failed. But for England's unwise decision to punish Massachusetts and her capital town, the Tea Party would have been considered in England, like the destruction of Hutchinson's house, an isolated example of the vandalism of a few radicals; and the promoters of revolution would have had to wait for another and better opportunity to force the issue with the mother country. It was not the Tea Act then, which turned the tide of public opinion toward revolution, but the repressive acts of 1774 which followed in its wake. The Boston Tea Party for a time concentrated public attention upon the constitutional issue of taxation. It did not nerve even the Boston people up to the point of armed resistance.

SELECT BIBLIOGRAPHY

ADAMS, JAMES TRUSLOW.—*Revolutionary New England, 1691-1776* (Boston, Atlantic Monthly Press, 1923)—This account is written in a charming and graceful style, and is free from the traditional bias.

ANDREWS, CHARLES MCLEAN.—*The Colonial Background of the American Revolution* (New Haven, Yale Univ. Press, 1924)—A collection of four essays, the third and fourth of which cover this period.

ANDREWS, CHARLES MCLEAN.—"The Boston Merchants and the Non-Importation Movement" (Colonial Society of Mass., *Publications,* Vol. XIX, pp. 159-259, Boston, 1917)—A detailed study of the non-importation and non-consumption agreements and their importance in the revolutionary movement.

BANCROFT, GEORGE.—*History of the United States: author's last revision* (6 vols., N. Y., Appleton, 1887)—Vol. III.

BEARD, CHARLES AUSTIN, AND MARY R.—*The Rise of American Civilization* (2 vols., N. Y., Macmillan, 1927)—Volume I, chap. v, gives a brief but clear account of England's new measures, with emphasis on their economic effect on the colonies.

BECKER, CARL LOTUS.—*The Eve of the Revolution* (Chronicles of America Series, No. 11, New Haven, Yale Univ. Press, 1921)—Chapters IV, V, and VI give a very readable account of the revolutionary movement during these years. Although the author deals with all the thirteen colonies, he emphasizes the leadership of Massachusetts.

CHANNING, EDWARD.—*A History of the United States* (6 vols., N. Y., Macmillan, 1912)—A scholarly account in Vol. III, chaps. IV and V, with considerable emphasis on the commercial side.

CHANNING, EDWARD, HART, A. B., AND TURNER, FREDERICK JACKSON.—*Guide to the Study and Reading of American History* (Boston, Ginn, 1912)—See pp. 298-301.

CROSS, ARTHUR LYON.—*The Anglican Episcopate and the American Colonies* (N. Y., Longmans, Green, 1902)—The standard authority on this subject.

EGERTON, HUGH EDWARD.—*The Causes and Character of the American Revolution* (Oxford, Clarendon Press, 1923)—Chapter V covers this period.

ELLIS, GEORGE E.—*The Royal Governors* (JUSTIN WINSOR, *Memorial History of Boston,* 4 vols., Boston, Osgood, 1882-1886)—See Vol. II, pp. 27-92.

FISHER, SYDNEY GEORGE.—*The Struggle for American Independence* (Phila. and London, Lippincott, 1908)—Very pro-British, but clearly written and useful as an antidote to some of the strongly biased accounts of the patriot cause.

FISKE, JOHN.—*The American Revolution* (2 vols., Houghton Mifflin, 1896)—See Vol. I. chap. II.

HARLOW, RALPH VOLNEY.—*Samuel Adams, Promoter of the American Revolution* (N. Y., Holt, 1923)—Chapters IV-VIII contain an exceedingly valuable account of the political progress of events in Massachusetts, the clash of parties, the triumph of radicalism, and the leadership of Samuel Adams; a slight tendency to overrate the influence of Adams in proportion to other factors in the revolutionary movement must be noticed.

HART, ALBERT BUSHNELL.—*American History Told by Contemporaries* (4 vols., N. Y., Macmillan, 1897-1901)—See Vol. II, chaps. XXI, XXIII, XXIV; these contain papers, resolutions, accounts of town meetings, of the Stamp Act Congress, etc.

HOWARD, GEORGE ELLIOTT.—*Preliminaries of the Revolution* (American Nation: a history, Vol. VIII, N. Y., Harper, 1905).

HUTCHINSON, THOMAS.—*The History of the Province of Massachusetts-Bay from the year 1750. Until June 1774* (London, Murray, 1828)—A contemporary account, written from the sources and painful experiences.

LECKY, WILLIAM EDWARD HARTPOLE.—*A History of England in the Eighteenth Century* (8 vols., N. Y., Appleton, 1888-1891).—See Vol. III.

MCDONALD, WILLIAM.—*Select Charters and other Documents of American History, 1606-1775* (N. Y., Macmillan, 1906)—An easily accessible body of official documents covering this period. The parliamentary acts and the most conspicuous colonial official and semi-official protests are included.

MCILWAIN, CHARLES HOWARD.—*The American Revolution; a Constitutional Interpretation* (N. Y., Macmillan, 1923)—Favorable to the legal point of view taken by the colonies in their propaganda literature. A clear and interesting presentation of a most controverted question.

MORISON, SAMUEL ELIOT.—*Sources and Documents Illustrating the American Revolution, 1764-1788, and the Formation of the Federal Constitution* (Oxford, Clarendon Press, 1923)—The most satisfactory collection of documents for study of the constitutional and argumentative side of the Revolution.

PORTER, EDWARD GRIFFIN.—"The Beginning of the Revolution" (JUSTIN WINSOR, *Memorial History of Boston,* 4 vols., Boston, Osgood, 1882-1886)—See Vol. II, pp. 1-66.

SCHLESINGER, ARTHUR MEIER.—*The Colonial Merchants and the American Revolution, 1763-1776* (Columbia Studies in History, Economics and Public Law, Vol. LXXVIII, Whole No. 182, N. Y., 1918)—The best account in print of the part played by the merchants in the Revolution and the use of economic boycott.

TREVELYAN, *Sir* GEORGE OTTO.—*The American Revolution* (6 vols., N. Y., and London, Longmans, Green, 1905-1915)—Volume I gives one of the best accounts of the causes of the Revolution, written in a sympathetic spirit. The first part, vols. 1-4, extends only to 1778. The second part, *George the Third and Charles Fox,* 2 vols., concludes the account of the Revolution.

Diaries and correspondence of prominent Massachusetts men (such as Samuel Adams, John Adams, John Rowe, Thomas Hutchinson, and the colonial agents) contain much that is exceedingly interesting and valuable.

CHAPTER XVII

LAST CHANCE FOR THE EMPIRE (1774)

By James Phinney Munroe
President Munroe Felt and Paper Co.

Two Ends of the Empire

Intense is the interest of the American student in his political origins, which loom to him so large; yet as a nation we have had little experience with colonial problems. Hence it is difficult for us to visualize the remoteness of New England from old England in 1774, and to understand the almost complete indifference with which the British people, up to the issue of the war, viewed the acts, whether unfriendly or actually hostile, of what seemed to them a group of turbulent malcontents across the only less turbulent Atlantic Ocean. We do not realize the negative attitude of the pre-Revolutionary Briton. We are far too ready to ascribe to George the Third, to his ministers and to the English in general an active dislike, a desire to punish, a vindictive interest in the acts of the provincials of which they themselves were in no degree aware.

If a modern student of colonial relations will compare the nearness of the Philippine Islands to the America of to-day as against the distance of the American Colonies from England in the eighteenth century, and will note the almost complete indifference of even the more intelligent continental population towards the current history and political aspirations of the Filipinos, he will have some conception of the immensely greater indifference, in 1774, of an ill-educated mother country toward her far-distant and turbulent colonies.

A small group of British merchants engaged in provincial trade was obliged, for commercial reasons, to keep cognizant of the attitude, sometimes quiescent, sometimes rebellious, of their overseas customers. A few officials doomed to service in America, or seeking opportunity in that remote wilderness for

bettering their fortunes, might attempt, for their special purposes, to acquire some understanding of what the colonials were thinking. A few genuine statesmen, such as Pitt and Barré, might feel an interest in their brethren overseas, however academic, as a part of their general intention to be broad in their political views. The homesick and harassed soldiers on American service might roundly curse the provincials as obstreperous nuisances. Nevertheless to ninety-nine out of a hundred average Englishmen, the acts of the inhabitants of Massachusetts Bay or of Virginia,—which seemed perhaps to the otherwise intelligent Londoner to be but a few miles apart, —possessed less interest than did the actions of the East Indians or the Africans, to say nothing of the neighboring Irish. Indeed, the oriental folk depicted by imaginative travelers had far more of the picturesque, and occupied more fully the popular mind. Nothing could be less interesting to English society—busy with its own affairs—than the ill behavior of those whom they considered dull fanatics, who had stupidly exiled themselves to the dreary farther shores of the Atlantic Ocean.

Lack of Understanding in England (1774)

It is important to stress this remoteness and this indifference, for they account in great measure for the mishandling by England of a situation which, difficult in itself, was immeasurably complicated by an almost total lack of understanding on both sides. Under such conditions, it was hard to convince the provincials that the English Government was merely stupid; and it was practically hopeless for friends of the colonies in England to make their countrymen, both in and out of Parliament, see that the American behavior was inspired by the highest British ideals.

King George and his ministers would not listen to any argument to the effect that coercion of a citizenry who had been practically independent for one hundred and fifty years would be a task beyond the powers of any army which England, in view of the hostile attitude of France and of Holland, could possibly keep in the field in America. The sound and eloquent arguments of such men as Burke met with nothing but

vainglorious scoffings from King George's complacent reactionaries.

John Fiske summarizes admirably the opinion of that group. He begins with Lord George Germaine, who fatuously remarked: "This is what comes of their wretched old town meetings. The Americans have really no government. These are the proceedings of a tumultuous and riotous rabble, who ought, if they had the least prudence, to follow their mercantile employments, and not trouble themselves with politics and government, which they do not understand. Some gentlemen say, 'Oh, don't break their charter; don't take away rights granted them by the predecessors of the Crown.' Whoever wishes to preserve such charters, I wish him no worse than to govern such subjects." "These remarks," said Lord North, "are worthy of a great mind." "If we take a determined stand now," said Lord Mansfield, "Boston will submit, and all will end in victory without carnage." "The town of Boston," said Mr. Venn, "ought to be knocked about their ears and destroyed. You will never meet with proper obedience until you have destroyed this nest of locusts."

General Gage, who had just come from America on a visit in 1774 assured the king that the other colonies might speak fair words to Massachusetts, but would do nothing to help her. "They will be lions", said Gage, "while we are lambs; but if we take the resolute part, they will prove very meek, I promise you."

The Case Against Massachusetts (1774)

In an elaborate report submitted to the House of Lords by the Earl of Buckinghamshire, April 20, 1774, a committee says: "They have attentively read and considered the several papers relative to the proceedings of the Colony of Massachusetts Bay, in opposition to the sovereignty of his Majesty in his Parliament of Great Britain, and have carefully inspected the journals of the House from the 1st of January, 1764, to the present time." They then proceed with a detailed account of the doings of this colony for the period of ten years—showing that Massachusetts had, during that period, not only denied the right of Parliament to tax the colonies, but had

uniformly thrown every obstacle in the way of collecting a revenue in America. The people they maintained had overawed the officers of the Crown and compelled them to resign; refused to quarter troops sent over to enforce the laws, and even denied the right of sending troops into the Province in times of peace without their consent; asserting for themselves an exemption from the laws of Parliament; and also claiming for themselves the right to legislate in all cases whatsoever. The committee proceed to assert that the Massachusetts peoples, while they had in this manner denied the power of Parliament and resisted the execution of the laws, had also taken active measures to draw the other colonies into rebellion.

The Five Fateful Acts (1774)

March 7, 1774, therefore, Lord North as premier brought before the House of Commons a message from His Majesty informing his liege servants "that in consequence of the unwarrantable practices carried on in North America; and particularly of the violent and outrageous proceedings at the town and port of Boston . . . it was thought fit to lay the whole matter before Parliament."

Between that date and prorogation on June 22 following, both Houses indulged in violent debates in which the conspicuous friends of the colonies—such as Governor Johnston, the Earl of Shelburne, General Conway, Barré, Dowdeswell, and especially Burke, in his famous speech on American taxation—took a lively though inefficacious part, Parliament passed five measures, all of them striking at the very life of the American colonies.

First was the law always referred to as the "Regulating Act." This was an entire subversion of the original charter, since members of the upper House, theretofore elected by the people, would become appointees of the Crown. Likewise, since it placed the nomination of councillors and indeed of all magistrates of the Province in the hands of the governor, these officers being also removable at the king's command.

Worst of all, this act destroyed that time-honored New England institution, the town-meeting. Next to the meeting-house, the town-house was the institution most precious to a

citizen of Massachusetts Bay. Often the two buildings were one, and all the secular affairs of the meeting-house, even to the choice of a minister, were in the town-meeting's hands. To forbid all such gatherings of the townsfolk, except as they might be called by the governor, was to take away the very substance of New England's civic and religious life.

A second act was labelled: "For the impartial administration of justice in the Province of Massachusetts Bay." This, too, was destructive of the charter, for it provided for the transfer to England, for trial, of any person indicted for murder or for any other capital offence, provided that offence "was committed in the exercise or aid of magistracy in suppressing riots, and that a fair trial could not be had in the province." This act, was a reversal of the legal practice of a hundred and forty years.

The third act, seemingly going out of its way to irritate the inflamed citizens of Boston, provided for quartering the British soldiers, who were being sent over in comparatively large numbers, upon the inhabitants of that town rather than in the Castle and other government buildings wherein, up to that time, they had been provided for.

The fourth act threatened all possibility of expansion for New England, since it extended the limits of the province of Quebec to include the territory between the Lakes, the Ohio and the Mississippi. It provided, moreover, for government by a legislative council appointed by the Crown, (a most dangerous example for all the other seaboard colonies); and gave special rights to Roman Catholics, a concession which was anathema to New England Puritans.

The Boston Port Bill (1774)

The most offensive bill of the series and that which ultimately separated America from England, was the so-called Boston Port Bill "for discontinuing the lading and shipping of goods, wares and merchandizes, at Boston or the harbour thereof, and for the removal of the custom house with its dependencies, to the town of Salem." An added sting was given to this measure by a special provision. It was not enough that the bill would remain in force until compensation

should be made to the East India Company for the damage sustained because of the destruction of the tea. By an added sting this act was to remain operative until the King in council should declare himself satisfied that peace and good order had been restored in the town. In George's state of mind and of temper such "satisfaction" would probably be long in coming.

Lord North, in introducing the Boston Port Bill, gives Massachusetts preëminence in disloyalty by saying: "Boston has ever been the ringleader in all riots, and has at all times shown a desire of seeing the laws of Great Britain attempted in vain in the Colony of Massachusetts Bay." In answer to the contention that the "Tea Party" was the work of private persons for whose behavior the Province could not be held responsible, he insisted that the act of the mob in destroying the tea, and the other proceedings, belonged to the acts of the public meeting. He continued to suppose that the other colonies were peaceable and well inclined towards the trade of this country, and that the tea would have been landed at New York without opposition. Yet when the news came from Boston that the tea was destroyed, Governor Tryon thought it would be prudent to send the tea back to England. Boston alone was held to blame for having set the example; therefore Boston was to be the principal object of English attention for punishment.

Intertown Sympathy (1774)

The general opinion in England with regard to the "Yankees" was that they were sordid and unscrupulous traders. Any blow, therefore, at their trafficking would bring them at once, it was confidently believed, into a state of humble submission. How little the framers of the five coercive acts understand the provincial temper! How impossible it was for men of far better minds than King George's and his kitchen cabinet's to foresee what those acts involved! Needless to say they overthrew the one obstacle that up to that time had prevented the attitude of the colonies from being a real danger to the mother country. With the first reading in America of the vindictive measure through which the Parliament undertook to punish recalcitrant Boston, the aloofness, amounting in many

cases to hostility, of the thirteen colonies each towards the others, melted away; and revolution became not only possible, but practically the only recourse.

Of course, in passing this measure, Parliament counted, with a confidence that any English student of American affairs at that time would have declared justified, upon the well-known jealousies, not only between the several colonies but between town and town in Massachusetts. George the Third, who delighted, as all petty natures do, in stirring up trouble, knew, as did his subservient ministers, that for various and quite diverse reasons most of the other colonies up to that time heartily disliked Massachusetts, a hatred in which the Bay Colony took a certain pride. They knew too that, largely because of maritime and economic rivalries, most of the Massachusetts towns were in some measure antagonistic to most of the others. Since Boston assumed rather a superior attitude toward the lesser communities, it was upon that largest and most prosperous town of the Commonwealth that the rather envious antagonisms of the other maritime places were up to that time directed.

Doubtless in framing the drastic legislation aimed at a single community, the English ministry rather gleefully foresaw almost a vulture-like rejoicing by such competing places as Salem and Marblehead over the paralysis of a town which was more and more absorbing the colonial trade. Never were men more mistaken!

Intercolonial Sympathy (1774)

Within two days after receipt of the Port Bill, the Committees of Correspondence of eight Massachusetts towns (such committees having been for some time in useful existence) met and issued to the other provincials a plea for help and a recommendation that all the colonies suspend intercourse with Great Britain. It astonished no one more than it did the Bostonians to witness the immediate response to this plea, and the widespread condemnation of the measures designed to punish them for holding the expensive "Tea Party." The sympathetic indignation, the substantial help, and the variety of assistance placed at their feet as fast as riders could bring these messages and goods were as unexpected as they were helpful.

To quote from the rather elephantine humor of the *Essex Gazette* of May 30, 1774: "On Saturday last, Mr. Paul Revere returned from Philadelphia, having been sent express to the Southern Colonies, with intelligence of the late rash, impolitic and vindictive measures of the British Parliament, who, by the execrable Port Bill, have held out to us a most incontestable argument why we ought to submit to their jurisdiction; and what rich blessings we may secure to ourselves and posterity, by an acquiescence in their lenity, wisdom and justice. Nothing can exceed the indignation with which our brethren in Rhode Island, Connecticut, New York and Philadelphia have received this proof of ministerial madness. They universally declare their resolution to stand by us to the last extremity."

Turning again to John Fiske, we find him writing: "Droves of cattle and flocks of sheep, cartloads of wheat and maize, kitchen vegetables and fruit, barrels of sugar, quintals of fried fish, provisions of every sort, were sent overland as free gifts to the people of the devoted city, even the distant rice-swamps of South Carolina contributing their share. The overcautious Franklin had written from London, suggesting that perhaps it might be best, after all, for Massachusetts to indemnify the East India Company; but Gadsden, with a sounder sense of the political position, sent word, 'Don't pay for an ounce of the damned tea.' Throughout the greater part of the country the first of June was kept as a day of fasting and prayer; bells were muffled and tolled in the principal churches; ships in the harbours put their flags at half-mast. . . .As usual, the warmest sympathy with New England came from Virginia. 'If need be,' said Washington, 'I will raise one thousand men, subsist them at my expense, and march myself at their head for the relief of Boston.' "

Obstinacy of Great Britain (1774)

These and similar acts give evidence of a certain dramatic quality in the play-hating Puritan, which was of the utmost value at a time when the crowd-mind was made up of such diverse elements as were to be found, for example, in Catholic Maryland, in Dutch New York, and in Quaker Pennsylvania.

The perhaps exaggerated assurances of these previously unfriendly colonies in displaying their sympathy for the chief New England town engendered, however, in old England a spirit of retaliation that milder forms of opposition to the parliamentary measures might not have stimulated.

King George especially resented this unexpected outcome of his policies. His ire inflamed led him, and through him his ministers, to refuse concessions, after it must have been plain even to them that they had made a grievous and perhaps fatal mistake. This interpretation of the ministerial attitude is confirmed by careful reading of the parliamentary debates in the spring, and again in the late fall, of 1774.

In a series of really masterly speeches, the friends of America, notably Burke, pointed out from every angle the folly and danger of maintaining the Five Acts; and he urged the Government, in case they were retained, notwithstanding these arguments, to soften their enforcement. All this wise advice, although presented by many of the ablest men in both houses, met with nothing but increased ministerial obstinacy. No statement of fact, no deduction from the happenings in America, however obvious, seemed to make the slightest impression upon Lord North or his colleagues in the cabinet. It was, to England, a fatal instance of the familiar saying, "whom the gods would destroy they first make mad."

At no time could the friends of America muster more than a small minority in Parliament as against the overwhelming governmental majorities. Those fatuous supporters of Lord North's policies took as true all the statements of their friends, the American Tories, regarding as trivial and of doubtful accuracy all statements concerning the feelings and behavior of the body of colonists, superior both in numbers and soundness of argument. In face of the extensive fire of revolt which the "Great Incendiary" and many another had raised, the King and his ministers shut their already blind eyes and continued to murmur that no blaze was there.

In Spark's *Life of Franklin* is an interesting account of the attempt to use that canny American as a medium of reconciliation between the English government and the revolting colonies. The hints thrown in by Franklin of grounds of

reconciliation for Massachusetts, and therefore the other colonies, were much too strong for English consideration. Franklin may have had an ulterior purpose in making them impossible.

General and Governor Gage (1774)

To enforce the Port Bill, a few weeks after its passage in March, General Gage was sent over as commander-in-chief of the military forces of North America and as governor of Massachusetts Bay. With him, or soon after, came the "four regiments" for which such easy success had been predicted, in addition to the two obnoxious regiments already stationed in the chief Massachusetts town.

Till superseded by Gage, Governor Hutchinson remained titular governor. He was a man much misunderstood, regarding whom opinions are still at variance.

Driven out of Massachusetts Bay, where he had been born and brought up, because of his notorious letters in criticism of Boston folk—letters so cleverly manipulated by Franklin and Samuel Adams—he shortly died in exile and seemingly of a broken heart. General Thomas Gage, while English born, was of a mild and conciliatory temper, and for a time exhibited extraordinary patience in dealing with his rebellious and frequently quite unreasonable charges.

Says Harold Murdock, in his *Nineteenth of April, 1775:* "Surely no milder rule was ever maintained than that of General Gage. We have it on good provincial authority that his attitude was distinctly conciliatory, and his demeanor toward the civil officers in the town respectful to the point of deference. The local press bristled with attacks upon the government he represented, and yet no move was made toward censorship or suppression. Well-known patriot agitators came and went, but their movements and speeches were both ignored. In the meantime, on every village green the provincial militia was drilling; and the towns under the direction of the Provincial Congress were briskly engaged in collecting ammunition and supplies for war. Outside of Boston the courts were overawed. Indignant magistrates were waited upon by mobs and forced to resign their trusts, while soldiers in Boston were systematically seduced to desert. The army

became restless, and it was urged that the Governor's leniency was alienating thousands of loyal citizens, who naturally looked to him for protection. But Gage persisted in his watchful waiting, until it was whispered about in military circles that 'Tommy' was no better in his high office than 'an old woman.' "

The British Troops (1774)

That his soldiers had little sympathy with Gage's friendly attitude towards the people of Boston is indicated by the following extracts from the diary of Lt. John Barker, of the "King's Own Regiment."

"Yesterday in compliance with the request of the Select Men, Genl. Gage order'd that no Soldier in future shou'd appear in the Streets with his side Arms. Quaere, Is this not encouraging the Inhabitants in their licentious and riotous disposition? Also orders are issued for the Guards to seize all military Men found engaged in any disturbance, whether Aggressors or not; and to secure them, 'till the matter is enquired into. By Whom? By Villians that wou'd not censure one of their own Vagrants, even if He attempted the life of a Soldier; whereas if a Soldier errs in the least, who is more ready to accuse them than Tommy?"

"Quaere—Why is not the 100 days Batt. and Forage Money, which has been long due the Troops, paid them? Because Tommy feels no affection for his Army, and is more attach'd to a paltry Oeconomy, both in Publick and Private."

It is curious to read that on his arrival, May 13, 1774, Governor Gage was officially met at Long Wharf, complimented by the council and afterwards "sumptuously entertained."

On the next day a "numerous town meeting resolved" that, "if the other Colonies come into a joint resolution to stop all importation from and exportation to Great Britain, and every part of the West Indies, till the act be repealed, the same will prove the salvation of North America and her liberties; and that the impolicy, injustice, inhumanity, and cruelty of these acts exceed all our powers of expression: We therefore leave it to the just censure of others, and appeal to God and the world."

From an engraving in the Museum of Fine Arts, Boston

General Thomas Gage

Protests of Other Colonies and Towns (1774)

Indignation meetings were not confined to Boston. New York witnessed a very large one; at which a committee of 52 was named which, among other resolves, insisted that a "genuine congress" should be convened at Philadelphia. Substantial aid was given through a subscription for the support of such poor inhabitants as should be deprived of the means of subsistence by the acts. The Virginia House of Burgesses, as already noted, set apart the first of June for fasting and humiliation. The day was devoutly kept in Williamsburg, the state capital; and the idea extended, among other towns to Philadelphia where all the citizens, except the Quakers, shut up their houses and where, all day long, muffled bells were rung. Similar proceedings took place in Maryland and South Carolina. Even Connecticut and Rhode Island, who had no reason to love their step-mother, Massachusetts, joined in the general protest. The latter colony circulated a paper with the Rattlesnake motto—"Join or die." In this document it was asserted that only such a union could save the inhabitants of the colonies and their posterity from "what is worse than death—slavery."

Significant action was taken by the two towns that would most greatly benefit by the Boston Port Bill. Marblehead, which had been designated in place of Boston as the major Massachusetts port, let the suffering merchants from Boston have free use of its wharves and storehouses; while its inhabitants offered to load and unload goods consigned to Boston without expense to that town. The citizens of Salem, which was named as the new capital of Massachusetts Bay, declined to take advantage of a situation that would greatly have increased their wealth, and, as they declared, refused to "raise our fortunes on the ruins of our suffering neighbors."

The American Tories in Boston (1774)

Since Boston was purely a maritime city with almost no other resources, the Port Bill, despite the unexpected help of fellow-provincials, bore very heavily upon the merchants and upon the inhabitants in general. With soldiers in numbers patrolling the streets, and with a large body of resident Tories,

official and unofficial, more or less openly rejoicing at the town's predicament, it was difficult to evade the new law, expert though the Bostonians might be in the genial art of smuggling. A further loss to the town's revenue came through the removal of the General Court to Salem. This involved, in spite of the remonstrance of the town, the transfer of quite a body of officials and clerks. Meanwhile Boston was becoming uncomfortably congested with Tories, who were fleeing from many towns to take shelter behind the English guns.

In admiring the rebellious attitude of Massachusetts, it must not be overlooked that much injury was done by the self-styled patriots to those who dared to be openly loyal to the mother country. As a general statement, with such notable exceptions as Hancock, Otis, John Adams, Warren and the Quincys, the Massachusetts "patriots" in Boston and outside were of the commoner and less educated sort. The more aristocratic and the richer citizens, many of them with other interests binding them to England, were generally loyal to the Crown. The patriot elements, however, being superior in numbers, had it in their power to annoy, to threaten and even to make life unsafe for their opponents, many of whom, as has already been pointed out, fled for protection to the guarded town of Boston.

Doubtless it was at their urgency that Gage fortified the "Neck" over which then ran the only land entrance into Boston; but in so doing, he provided new fuel for the growing indignation against him, against his soldiers, and particularly against the measures which he and his regiments had come over to enforce. As put by Griffith: "The dissatisfaction was increased by placing a guard upon Boston Neck, the narrow isthmus which joins the peninsula to the continent; for which measure the frequent desertion of the soldiers was the assigned reason. Individuals encouraged such desertion; and the Boston committee contributed to the temptation, by making the situation of the soldiery as disagreeable as they could, and by counteracting all endeavours to render it comfortable. They acted systematically for the exclusion of all supplies from the land for the British troops. Through their connexion with the neighboring committees, the farmers and others were prevented from selling them straw, timber, slit-work, boards,

in short every article excepting provisions necessary for their subsistence. Straw purchased for their service was frequently burnt; vessels with brick intended for the army were sunk, and carts with wood overturned."

The Separatists (1774)

While these characterizations bear the earmarks of spleen, the patriots were, without doubt, a difficult body to handle. In making it uncomfortable for the American Tories, they were following the course of all restless majorities towards opposing, though quite helpless, minorities. How far the frequent riotings of that year, the threats against the Tories and the general popular restiveness were encouraged by Samuel Adams and his busy agents, it is impossible to know. Inasmuch as Sam Adams for a number of years—and for a long time without much political support—had been preaching separation from England, it is undeniable that he had a very large influence in bringing about the unique position of the Bay Colony in 1774.

Sam Adams was not battling without allies in his own colony. Until the fall of 1774, only this province seriously contemplated separation from England and was willing, so far as many of the patriot leaders were concerned, to pay the customary price of rebellion—civil war. That price Franklin plainly named eighteen months later in his famous dictum: "We must all hang together or assuredly we shall all hang separately." Those Massachusetts leaders understood that to fight alone would be suicidal. Consequently, through most of that year the patriot leaders of Massachusetts Bay were bending their energies to the extremely difficult task of converting the other colonies to a state of mind comparable with theirs. To that end, the stupidity of the English ministry in passing the five vindictive measures, and in emphasizing its intention to enforce those acts by sending over a considerable armed force, was of great service to the Boston radicals. Without such concrete examples of the power and spitefulness of the King's ministers, it would have been quite impossible for Massachusetts to stir up any active interest among the other twelve colonies concerning revolution.

These weapons, forged by the enemy itself, the astute political leaders in Massachusetts brandished over the heads of the hesitating colonies with a skill and astuteness almost beyond belief.

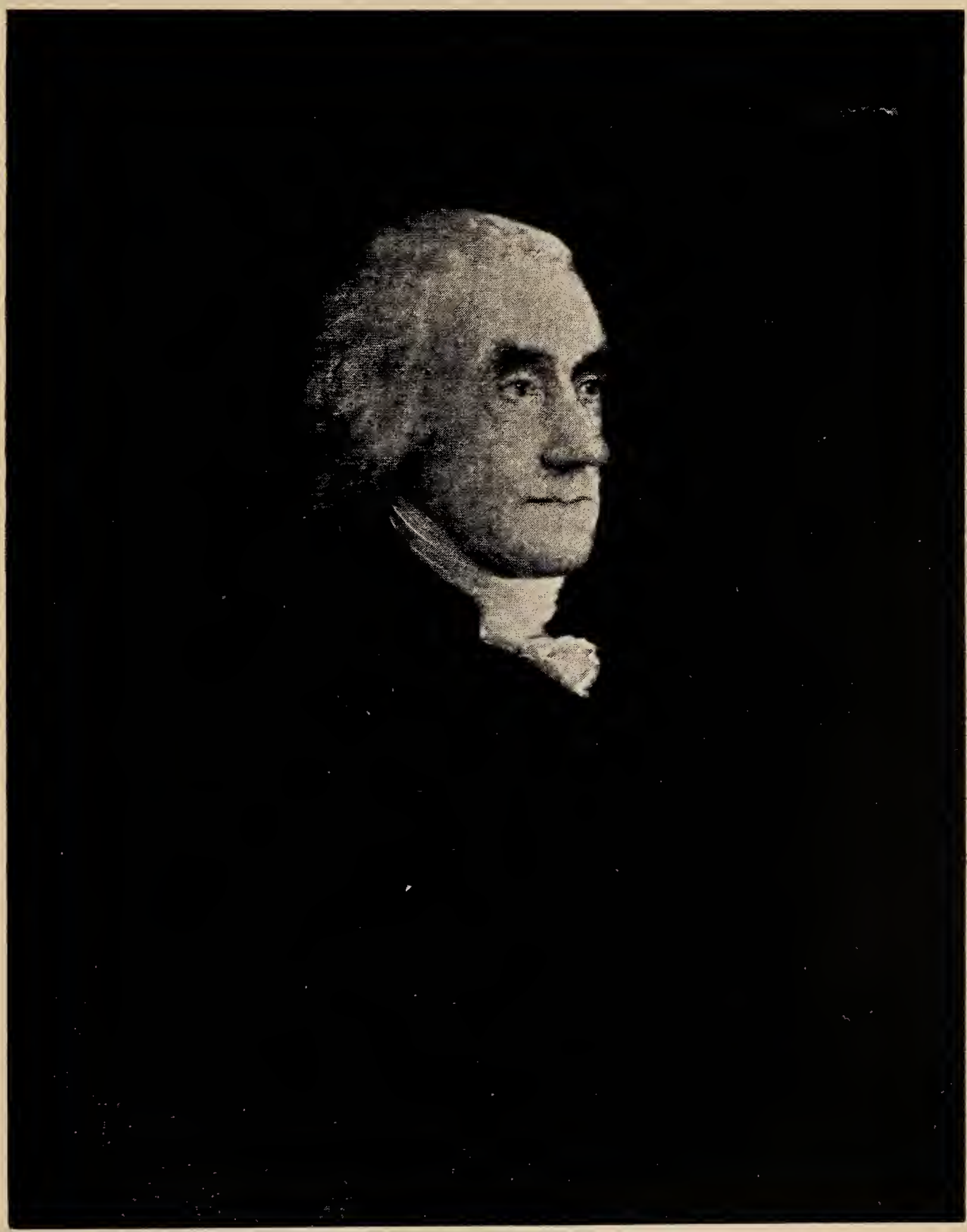
Power of Samuel Adams (1774)

It is often said that, during 1774, the fires of Samuel Adams, the "Great Incendiary," were temporarily banked. Ostensibly they were; yet the securing of delegates to the First Continental Congress, and the acts of that congress itself, seem to indicate the hand, hidden though it may have been, of this arch and successful politician, who had long been using, and was continuing to use, his remarkable powers in dealing with the crowd-mind towards altering a situation in which perhaps a majority even in Massachusetts up to that time preferred to remain submissive to England into one where an even larger majority were so eager for war that the Tory civilian minority had no choice but protection by British armies or flight.

No one can say positively for how long a time Samuel Adams had been determined upon separation from England; one can only guess concerning the arts through which he made Hancock and others of the merchant class decide to join the patriot rather than the royal cause. He transformed his more conservative cousin, John Adams, into a temporary radical, and manipulated the leaders and the common folk, so that the former should go far enough and the latter should not go too far in precipitating and maintaining revolutionary war.

It is impossible to believe that Sam Adams was really "in eclipse" between March, 1774, and April, 1775, for during this period he brought the thirteen mutually hostile colonies into a harmony at least sufficiently effective for the organization of an army pledged to a war; and the outcome of such a war must be either separation from England or, so far as the leaders were concerned, the gallows.

As in the case in all fights, animal or human, a preparatory period was occupied with what is called in sporting circles "sparring for position." Massachusetts and Virginia, for ex-



From a copy, in the Copley Gallery, of the portrait by Edward Savage

ROBERT TREAT PAINE

ample, knowing themselves to be the leading Provinces, were both manoeuvering for supremacy in the new republic, should it finally arrive. Each of the other colonies, particularly Pennsylvania, had its special political axe to be ground; and all the colonies were looking sidewise at the challenge which, through the five punitive acts, England had thrown down; and were wondering how far they might safely go in meeting that challenge by the only weapon they possessed, a threat of thoroughgoing war.

The New Hampshire Episode (1774)

In the fall of 1774 occurred the first significant overt act towards the British Government. Although it took place in Portsmouth, New Hampshire, the subsequent relation of it to the Battle of Bunker Hill associates it closely with Massachusetts. In a letter to Lord Dartmouth, Wentworth, then governor of New Hampshire, thus describes the affair:

"News was brought to me, that a drum was beating about the town to collect the Populace together in order to take away the gunpowder and dismantle the Fort. I immediately sent the Chief Justice of the Province to warn them from engaging in such an attempt. He went to them, where they were collected in the centre of the town, near the townhouse, explained to them the nature of the offence they proposed to commit, told them it was not short of Rebellion, and intreated them to desist from it and disperse. But all to no purpose. They went to the Island; and, being joined there by the inhabitants of the towns of Newcastle and Rye, formed in all a body of about four hundred men, and the Castle being in too weak a condition for defence (as I have in former letters explained to your Lordship) they forced an entrance in spite of Captain Cochran; who defended it as long as he could; but, having only the assistance of five men, their numbers overpowered him. After they entered the fort, they seized upon the Captain, triumphantly gave three Huzzas, and hauled down the King's colours. They then put the captain and men under confinement, broke open the Gunpowder magazine, and carried off about 100 Barrels

of Gunpowder, but discharged the Captain and men from their confinement before their departure."

The powder thus easily secured was carried to Durham, New Hampshire, and stored under the pulpit in the local church. When, as is common knowledge, the provincial troops at Bunker Hill were quite without ammunition to load the miscellaneous guns and fowling pieces with which they were holding back the British, "An ample supply of powder arrived in the nick of time. It had been brought over from Durham, sixty miles away, in old John Demeritt's ox-cart, and it was a part of the store that had been buried under Parson Adams's pulpit. Failing it, Prescott might on that day have shared the martyrdom of Warren, and Molly Stark might indeed have been that night a widow."

American Affairs in England (1774–1775)

British statesmen paid little heed to provincial affairs during the summer's parliamentary recess, for they were confident in the belief that the five coercive measures would utterly crush the threatened rebellion. They were assured by their Tory friends in America that the spirit of Massachusetts, the ringleader, was completely broken. How great must have been their surprise and consternation, upon the reassembling of Parliament, November 30, to learn from His Majesty's address, that "a most daring spirit of disobedience to the law" still unhappily prevailed in Massachusetts, and had "broken forth in fresh violence of a criminal nature."

In the address of the House in reply to the King, his ministers were somewhat forcefully reminded of their confident promises that the coercive acts would secure submission. Notwithstanding this implied criticism, the address was carried by a vote of 264 to 73. The Lords were less complaisant, and registered for the first time in parliamentary annals a protest against continuing to enforce the five obnoxious acts. Nevertheless the King's party was strong enough to secure in the upper House a vote of confidence by 63 affirmatives to 13 negatives.

Just before the Christmas recess, news came of the alarming proceedings of the Continental Congress; whereupon the min-

istry seemed inclined to take a milder attitude, when word from the Tories in New York, to the effect that their colony would probably break loose from the Provincial Association, put them in heart again. So the King's Government vacillated and practically did nothing. During one of the parliamentary debates "many ludicrous stories" concerning the cowardice of the American militia were told, "greatly to the entertainment of the House." They were doubtless less amused at Burke's famous speech on conciliation; yet, despite his masterly arguments, nothing more definite was done, even after Lexington, than to iterate and reiterate the King's royal and belligerent purpose to "crush the Colonies."

Work of Committees of Correspondence (1774–1775)

Meanwhile, on the western side of the water there was no "amusement," but much and increasing action. One of the most fruitful undertakings of the fall of 1774, was the strengthening of the committee of correspondence between the colonies, established as early as 1772 at the instance of several of the colonies, and confirmed by the Continental Congress. Their zeal and wisdom in tightening the bonds between colony and colony, their skillful work in making converts to the patriot cause, and their moderation in dealing with a great number of difficult situations, are worthy of high praise. In view of old antagonisms and of the counter-activity of the Tories, particularly in New York, it would have been difficult, if not impossible, without these vigilant and industrious Committees, for the widely scattered provinces to have put up, as they did after the Battle of Lexington, a front so united as to leave no question, even in the unreceptive mind of George the Third, that he was face to face with actual Revolutionary War.

SELECT BIBLIOGRAPHY

BANCROFT, GEORGE.—*History of the United States; author's last revision* (6 vols., N. Y., Appleton, 1887)—Vol. III-IV.

BECKER, CARL LOTUS.—*The Eve of the Revolution* (Chronicles of America, Vol. XI, New Haven, Yale Univ. Press, 1918).

BOTTA, CHARLES.—*History of the War of the Independence of the United States of America* (2 vols., New Haven, Whiting, 1837)—Translated from the Italian by G. A. Otis.

CHANNING, EDWARD, HART, ALBERT BUSHNELL, AND TURNER, FREDERICK JACKSON.—*Guide to the Study and Reading of American History* (Boston, Ginn, 1912)—See especially chap. XIX.

FARRAND, MAX.—*The Fathers of the Constitution; a chronicle of the Establishment of the Union* (Chronicles of America, Vol. XVI, New Haven, Yale Univ. Press, 1921).

FISKE, JOHN.—*The American Revolution* (2 vols., Boston, Houghton Mifflin, 1896)—One of the most agreeable of narratives of the Revolutionary period.

FORCE, PETER, compiler.—*American Archives; consisting of Authentic Records, State Papers, Debates, and Letters and Other Notices of Publick Affairs, the Whole Forming a Documentary History of the Origin and Progress of the North American Colonies; of the Causes and Accomplishment of the American Revolution. Fourth Series.* (6 vols., Washington, 1837-1853).

FROTHINGHAM, RICHARD.—*Rise of the Republic of the United States* (Boston, Little, Brown, 1890).

GETTEMY, CHARLES F.—*The True Story of Paul Revere* (Boston, Little, Brown, 1905).

GREEN, JOHN RICHARD.—*History of the English People* (5 vols., N. Y. International Book & Publishing Co., 1899).

GRIFFITH, WILLIAM.—*Historical Notes of the American Colonies and Revolution from 1754 to 1775* (Privately printed, Burlington, N. J., 1843)—A very useful compendium of documents, speeches, etc., covering the period named.

HART, ALBERT BUSHNELL.—*American History Told by Contemporaries* (4 vols., N. Y., Macmillan, 1897-1901).

HOWARD, GEORGE E.—*Preliminaries of the Revolution, 1763-1775* (The American Nation: A History, Vol. 8, N. Y., Harper, 1905)—See chaps. XIV-XVIII.

LECKY, WILLIAM EDWARD HARTPOLE.—*A History of England in the Eighteenth Century* (8 vols., N. Y., Appleton, 1888-1891)—See Vol. IV, chap. III.

MAHON, PHILIP HENRY STANHOPE, *Lord,—History of England from the Peace of Utrecht to the Peace of Versailles,* 1710-1783 (5 vols., Little, Brown, 1855).

MCMASTER, JOHN BACH.—*A History of the People of the United States from the Revolution to the Civil War* (8 vols., N. Y., Appleton, 1883-1913).

MASSACHUSETTS: PROVINCIAL CONGRESS.—*The Journals of Each Provincial Congress of Massachusetts in 1774 and 1775, and of the Committee of Safety, . . . with other Documents, Illustrative of the Early History of the American Revolution* (Boston, 1838).

MUNROE, JAMES PHINNEY.—*The New England Conscience, with Typical Examples* (Boston, R. G. Badger, 1915).

MURDOCK, HAROLD.—*The Nineteenth of April, 1775* (Boston, Houghton Mifflin, 1923)—A careful study of sources concerning the Battle of Lexington and of the period just preceding.

MUZZEY, DAVID S'AVILLE.—*The American Adventure* (N. Y., Harper, 1927) —See Chap. II.

PATTON, JACOB HARRIS.—*A Concise History of the American People* (2 vols., N. Y., Fords, Howard & Hulbert, 1883).

PORTER, EDWARD GRIFFIN.—"The Beginning of the Revolution" (JUSTIN WINSOR, *Memorial History of Boston,* 4 vols., Boston, Osgood, 1882-1886)—See Vol. III, pp. 1-66.

SPARKS, JARED.—*The Life of Benjamin Franklin* (Boston, Tappan & Dennett, 1844).

TREVELYAN, *Sir* GEORGE OTTO.—*The American Revolution* (6 vols., N. Y. and London, Longmans, Green, 1905-1915)—See Vol. I.

VAN TYNE, CLAUDE HALSTEAD.—*The American Revolution* (American Nation: a History, Vol. IX, N. Y., Harper, 1905)—Chap. I recounts the fundamental and immediate causes of the Revolution.

WINSOR, JUSTIN, editor.—*The Memorial History of Boston* (4 vols., Boston, Osgood, 1882-1886).

WINSOR, JUSTIN, editor.—*The Narrative and Critical History of America* (8 vols., Boston, Houghton Mifflin, 1889).

CHAPTER XVIII

THE SPIRIT OF MASSACHUSETTS (1775)

By Lawrence S. Mayo
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John Bull and John Codline

It has been said of John Bull that if you look him in the eye he will back down. If this characterization is true, there is, and always has been, an essential difference between John Bull and John Codline, as Jeremy Belknap dubbed Massachusetts in his allegorical history of the United States. From the time when John Winthrop and his fellow Puritans made up their minds to leave England and to found a colony where they would not be bothered by bishops or a ritual that offended their religious convictions, the Bay Colony seldom if ever backed down from any position it had taken. Any attempt to coerce her always led to resistance, and any attempt to bully her resulted in an upheaval.

This spirit manifested itself first when Edmund Andros and Edward Randolph endeavored to torture her into subjection. They succeeded, to be sure, in taking away her charter and in planting an Episcopal church in Boston; but the men of Massachusetts finally overthrew both Andros and Randolph and locked them up. What is more to the point, they did so without any definite authorization from William III.

Seventy-five years later trouble for Massachusetts began again. This time, as has been set forth in earlier chapters, it was not a question of charter or of church, but of taxation, direct and indirect. On the question of the Stamp Act, Massachusetts and her sister provinces looked John Bull in the eye and John Bull backed down. He did so at the request of his own merchants no doubt; but those merchants knew that the basic reason was the determined opposition of the colonies.

The later Townshend Acts were an experiment in indirect taxation. They encountered less violent but equally convincing opposition; and, with the exception of the duty on tea, were repealed about three years after their passage. Then, in the course of time, came the Tea Act of 1773 and the explosion of public opinion known as the Boston Tea Party.

Before 1774 the British Parliament may have bluffed, but it had been wise enough not to try to bully Massachusetts. This does not mean that the customs officials and some of the military had not attempted intimidation in their dealings with individuals; but it is significant that the British government had not yet displayed an aggressive or a vindictive attitude. Many of the Members of Parliament who voted for the Tea Act doubtless saw in it only a possible remedy for the financial difficulties of the East India Company, and never thought of its effect on the sensibilities of the American colonists. Like the Stamp Act and the Townshend Acts it was a blunder, not a predetermined attack upon the alleged rights of the Americans. Owing to a less pardonable blunder on the part of Governor Hutchinson, violence and destruction of property resulted from this supposedly innocuous measure. Thereupon Britain made up her mind to bully the town of Boston into footing the bill for the destroyed tea. She should have known better.

On the morning after the Tea Party, John Adams metaphorically threw his hat in the air as he made the following entry in his diary: "This is the most magnificent movement of all. There is a dignity, a majesty, a sublimity in this last effort of the patriots, that I greatly admire. The people should never rise without doing something to be remembered, something notable and striking. This destruction of the tea is so bold, so daring, so firm, intrepid and inflexible, and it must have so important consequences, and so lasting, that I cannot but consider it as an *epocha* in history." John Adams was right, at least as regards its being an "epocha"; but his conviction that it was a "magnificent movement" was not shared by all his fellow-citizens. After all, asked many respectable people, had not the savages who perpetrated the Tea Party gone too far? Some substantial Bostonians were certain that they had.

Colonial Sentiment

One of their number, Harrison Gray, who was the treasurer of the province, passed judgment on the deed and upon the doers. To him it was "an action of such a malignant, atrocious nature, as must expose the wicked perpetrators of it, without sincere repentance, to the vengeance of that Being who is a GOD of order and not of confusion and who will punish all THIEVES as well as liars in the lake which burns with fire and brimstone." The attitude of the mercantile class is reflected in Rowe's diary. John Rowe was a prominent merchant and incidentally the owner of one of the tea ships. He had been town-clerk once or twice in recent years, and though on friendly terms with army officers and customs officials, he had shown no sign of being a Tory. Yet when he heard of the Tea Party he wrote "I am sincerely sorry for the Event"; and two days later his opinion remained unchanged: "Tis a Disastrous Affair and some People are much Alarmed."

Benjamin Franklin, then in London and so three thousand miles away from the turbulent atmosphere of Boston, was in a better position for taking a dispassionate view of the affair than was Adams, Gray, or Rowe, and it is interesting to note that he appears to have agreed with Rowe. In the Tea Party he saw "an Act of violent Injustice on our part" and he spoke his mind in a letter to the Massachusetts Committee of Correspondence. "I am truly concern'd as I believe all considerate Men are with you, that there should seem to any a Necessity for carrying Matters to such Extremity, as, in a Dispute about Publick Rights, to destroy private Property . . . I cannot but wish and hope that before any compulsive Measures are thought of here, our General Court will have shewn a Disposition to repair the Damage and make Compensation to the Company." In New York, Philadelphia, and Charleston, in fact in all the provinces outside of New England, after the transient exhilaration of the Boston Tea Party had passed, the sober judgment of American society was that Sam Adams and his radical following had gone too far. It was not impossible that a pro-British reaction might sweep through the continent at any moment.

In New England it was a question whether Samuel Adams could keep the populace worked up on the tea-tax issue. If he could do so, the hullabaloo of December 16, 1773, would not react unfavorably upon the cause of the radicals. If he could not do so, his party would lose all the political momentum they had succeeded in acquiring during the preceding fifteen months. Accordingly, before the people of Massachusetts had an opportunity to meditate upon the Tea Party, they were to be hustled into a boycott of all tea whether dutied or smuggled. The fact that the Boston Committee of Correspondence urged the prohibition of the sale of tea sufficed to bring about the desired action in a few Massachusetts towns.

Many more kept their heads to a certain extent and boycotted only taxable tea. After all, what was the harm in drinking smuggled tea? One or two communities did even more independent thinking and refused to be brow-beaten by the Boston committee or any other. In general, however, the towns of Massachusetts, New Hampshire and Rhode Island came at least half-way and banned the importation of dutiable tea. Thus by rapid and determined work Sam Adams and his associates increased the opposition to the British government at a time when public opinion might easily have swung in the opposite direction.

Conservatism of the Merchants

One might suppose that the first social group to rebel against the British government because of this punitive measure would have been the merchants. Surely they were to be hit hardest by the closing of the port; but curiously enough they inclined to consider the sentence not unreasonable. Perhaps it would be more accurate to say that they deemed it more prudent to accept the penalty than to join forces with Sam Adams and his turbulent cohorts. After the repeal of most of the Townshend duties in 1770, Boston merchants, like those elsewhere in the colonies, had adjusted their minds and their business to the existing trade regulations. So after 1770 they settled down more or less contentedly and turned a deaf ear to the fulminations of the Sons of Liberty.

So far as they were concerned the quarrel was over. In spite of the new tariff and the rigid administration of the customs service it was still possible to make a fair margin of profit. Then why worry about the two-sided question of Parliament's right to tax the colonies? Even John Hancock was quiescent in 1772, and one gets the impression that in that year he found talk about the recovery of "our just rights" distinctly boring. Could not someone make it clear to Samuel Adams, Dr. Joseph Warren, and young Elbridge Gerry of Marblehead, that things were really going very well, and that there was no point in their harping on the theoretical rights of transplanted Englishmen?

It is true that the Tea Act of 1773 roused the merchant aristocracy from its political indifference, for in it they saw the trade in a popular commodity taken out of their hands and monopolized by a great corporation. This was a very different matter from that of paying duty on imports and passing the tax on to the consumer in the form of an increase in the price of the goods. For the moment, therefore, they were willing to form an alliance with the radicals who were against the importation of any tea that was taxed. This coalition worked fairly well up to a certain point. Then came the Hutchinson *impasse* and the Boston Tea Party. This destruction of property was not included in the merchants' scheme of opposition; and being property-holders themselves they were both shocked and alarmed. In trying to thwart unwelcome legislation by Parliament they had come dangerously near to anarchy. Of the two evils, misgovernment was much preferable to no government; and they hastened back to their conservative position. Having played with fire and been burnt, they were more than ever convinced that their interests would be best served by bowing to the will of Parliament, come what might. Accordingly, when the provisions of the Boston Port Act were known, most of the merchants and shopkeepers after a moment of vacillation took steps to make it clear that they were for and not against the British government in the present crisis.

In May, 1774 Governor Hutchinson, worn down with care and perplexity, was on the point of sailing for England where he could give the King and the ministry a first-hand account of

the difficulties prevailing in his native province. His departure and mission afforded the merchants of Boston and its vicinity an excellent opportunity for showing their colors. In a carefully worded document they praised the "wise, zealous and faithful Administration" of Hutchinson, lamented the recent popular tumults, and asked the departing executive to assure the King of their willingness to pay their share of the East India Company's bill for damages. This was presented to Hutchinson on May 30. And lest there be any doubt about their position, they drew a corresponding address of welcome to his successor in the governorship, General Gage.

These evidences of submission were signed by more than one hundred and twenty citizens, of whom at least half were what we should now call "business men." If their sentiments and policy had prevailed, Boston would have paid for its Tea Party in cash and the port would have been opened at an early date. Happily for the future United States these "lovers of peace and good order" were opposed by a determined group, which a conservative contemporary described as "the merchants who either will not or cannot make remittances, the smugglers, the mechanicks, and those who are fascinated with the extravagant notion of independency." It is hardly necessary to add that the leader of this group was Samuel Adams.

"The Solemn League and Covenant" (June, 1774)

The first serious trial of strength between the conservatives and the radicals occurred on May 30, 1774, just twenty days after the news of the passage of the Port Act reached Boston. At a town meeting held on that day the mercantile party turned out in great numbers, determined to put through their policy of submission and reparation. Just what happened to their attack is not clear. One of their number tells us that the leaders of the opposition "placed themselves at the doors of the hall" and "so terrified many honest well meaning persons that they thought it prudent not to act at all in the affair." However that may have been, we know that they failed to carry the meeting. Instead of voting for reparation, the town approved the drafting of "a Paper, to be carried to each Family in the Town, the Report [Purport?] of which to be,

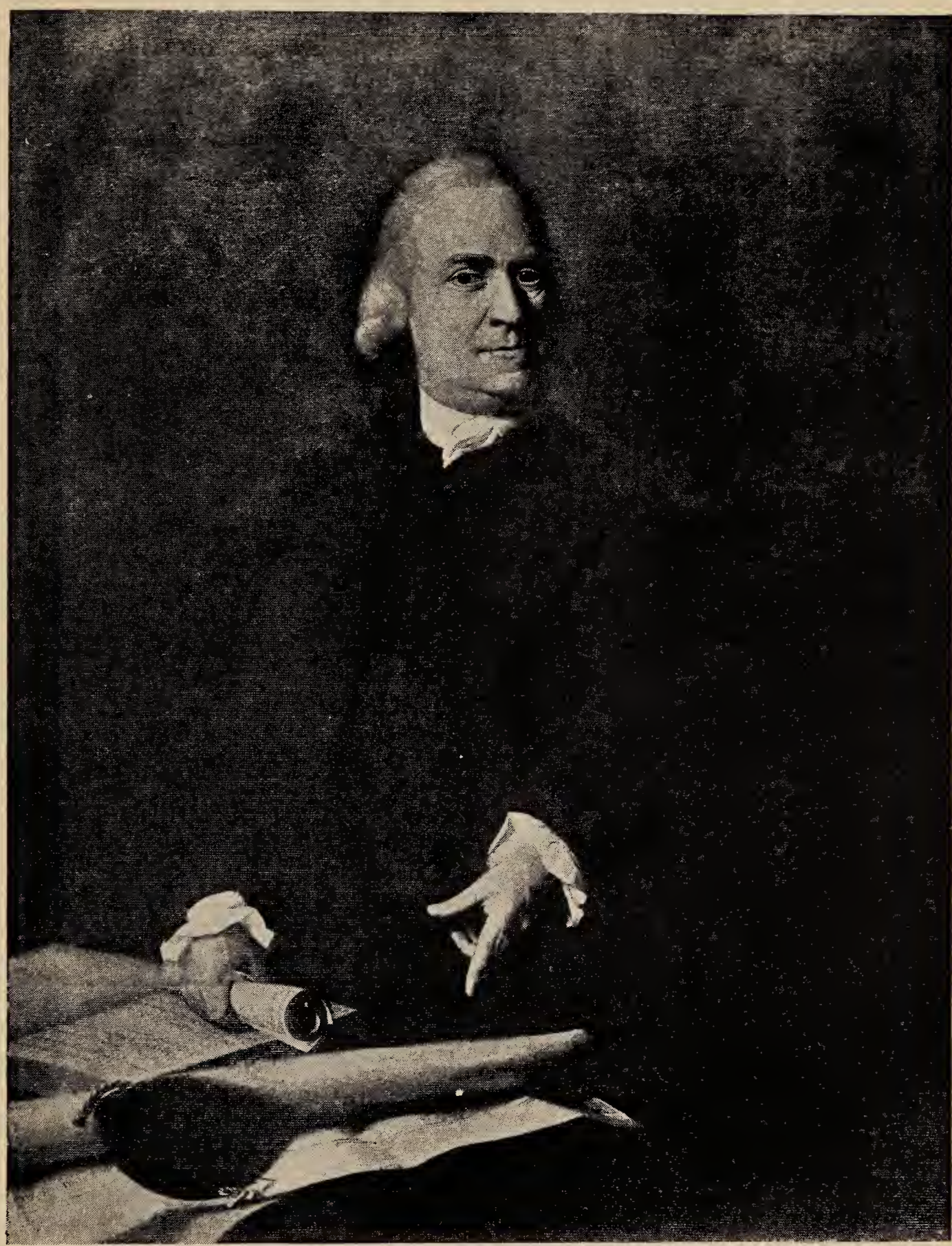
not to purchase any Articles of British Manufactures, that can be obtained among Ourselves, and that they will purchase Nothing of, but totally desert those who shall Counterwork the Salutary Measures of the Town." This, then, was Boston's reply to the Parliament that had closed her port, and to her own mercantile aristocracy who cared more for peace and prosperity than for the ancient rights of British subjects.

Now came the problem of bringing the merchants into line with the people, "our freeholders and yeomanry" as the Reverend Charles Chauncy defined that term. With organization all things are possible. Without organization little can be accomplished. No one knew this better than Samuel Adams, and no one in the colonies was a better organizer than he. The system of committees of correspondence with which he had resuscitated a dying cause in 1772 and 1773 had given proof of his ability, and upon this system he now relied in his effort to build up a universal, uncompromising resistance to Parliament.

Adams was the chairman of the Boston Committee of Correspondence which he had brought into being in the autumn of 1772. Some claimed that that committee no longer had any legal existence, as it had not been reappointed by the town meeting in subsequent years. Whether Samuel Adams was assured of its legality does not appear; but in the Boston committee he saw the keyboard of an instrument upon which he could play a number of patriotic airs, and he did not hesitate to avail himself of it.

June 5, 1774, he and his associates formulated and launched a commercial agreement which they hoped would cement the country towns into a block of resistance that would sustain Boston in its fight with Parliament.

This agreement was astutely christened the "Solemn League and Covenant," a title which was certain to appeal to the descendants of the early settlers of Massachusetts for it recalled the great contest between Cromwell and Charles in the seventeenth century. It was drawn by a sub-committee consisting of Dr. Joseph Warren, Dr. Benjamin Church and Mr. Greenleaf, and it bound those who subscribed to it to abstain from the purchase or use of any British imports whatsoever after October 1. Those who declined to adopt it were to be



From the portrait by Copley in the Museum of Fine Arts, Boston

SAMUEL ADAMS

boycotted forever and their names were to be published. Just how these radical Bostonians reconciled their system of extra-legal coercion with their unceasing cry for "liberty" is not entirely clear to the twentieth-century student of their deeds. To them, no doubt, oppression by the British government was one thing; temporary oppression by a zealous group in order to achieve greater freedom for the whole was another.

The extraordinary thing about their scheme was that it succeeded. Without waiting for authorization from the town the Committee framed its policy, drew the Covenant, and sent it to the committees of the country towns for adoption. If the rustic populace embraced the policy of non-consumption of British goods,—and if it could be made to appear that they did so spontaneously,—the merchants of the province would undoubtedly see the futility of importing from England and would join the opposition party in its measures of retaliation. Apparently some of the outlying towns responded well, for within ten days the radical Boston *Gazette* printed the following combination of news and propaganda: "We learn from divers Parts of the Country that the People in general, having become quite impatient by not hearing a Non-Importation Agreement has yet been come into by the Merchants, are now taking the good Work into their own Hands, and have and are solemnly engaging not to purchase any Goods imported from Great Britain, or to trade with those who do import or purchase such Goods." Presumably a number of thoughtful, semi-conservative Bostonians read these lines, took them at their face value, and wondered if it were not their duty to advocate non-importation in order to preserve their town's reputation for patriotism. When matters had been engineered to this point, the radicals deemed it the psychological moment for another town meeting.

Defeat of the Merchants (June 28, 1774)

On June 17 the meeting was held, with John (not Sam) Adams as moderator. By this gathering the existence of the Committee of Correspondence was sanctioned and its "vigilance and activity" encouraged. This was a more radical step than the merchants and their friends had anticipated. Now

that the Committee was legalized and given free rein, to what extent might it not go in instigating insurrection and preventing the return of peace and prosperity? From the mercantile point of view there was only one thing that could save the country, and that was the discharge of the Committee. To this end they now bent every effort, and a grand attack upon the radicals was made at a town meeting in the Old South Meetinghouse on June 27. The attendance was large; and on this occasion Sam Adams was in the chair.

Knowing that the Covenant had gone forth without the authorization of the town as a whole, the conservatives charged the Committee with having exceeded its authority and demanded that all letters received and sent by it should be read to the meeting. As this promised to consume too much time the motion was changed so that the Covenant and the correspondence pertaining to it were immediately brought before the assemblage. To the merchants present it was obvious that the Committee of Correspondence had gone too far, and Mr. Gray (presumably Mr. Harrison Gray, the treasurer of the province) startled the meeting by moving that it be censured and dismissed.

As Sam Adams was chairman of the Committee in question he very properly vacated the moderator's chair until this business should be disposed of. Thomas Cushing, a less intense radical, took his place and a discussion which lasted into the evening ensued. In fact it lasted even longer, for before the motion was put to a vote the meeting was adjourned until the following morning. Argument after argument was launched against the Committee and its Covenant, but in vain. When the question was put, the merchants lost by "a vast majority"; fifty or sixty votes were all they could muster. Thereupon the radicals made a very different motion and Boston voted its approval of the Committee's "upright Intentions" and "honest Zeal." Indeed it urged them "to preserve with their usual activity and firmness, and continue steadfast in the way of well-doing."

The town meetings of June 27 and 28, 1774, may without exaggeration be considered a minor crisis in the American revolution. Had the conservatives carried the day and brought about the official dismissal of "Adams, Warren and Company,"

who can say whether the opposition which that organization had built up would have survived? As it was, however, the merchants were decisively defeated, and their method of attack was reduced to signing futile protests against the proceedings of the Committee and of the town meeting. Governor Gage sustained them, as well as he could, by issuing a proclamation that "strictly enjoined and commanded" all magistrates in the province to arrest all who signed the Covenant or asked others to sign it. But Gage was too late; the radical propaganda had already begun to work in the country towns and the defeat of the Boston merchants must have expedited the process.

Average Public Sentiment

When conscientious old Brigadier Ruggles of Hardwick announced his intention to put in jail every man in town who signed the Covenant, he discovered that the number of signatories soon exceeded the accommodations of any jail in the county,—and he decided not to carry out his threat. Indeed it was not long before he found his home town entirely uncongenial as a place of residence and betook himself to Boston, where he was virtually a prisoner. Meanwhile the tide of radicalism rose higher and higher. Worcester moved forward the date of the boycott from October 1 to August 1. A number of other towns followed her example. More than a dozen communities, mostly inland towns, adopted the Covenant in one form or another before the first of September. Many others looked on approvingly, but held their fire pending the meeting of a Continental Congress, which, it was generally understood, would deal with the matter on a large scale. Here and there, of course, opposition to the Covenant flared up, notably at Easton where about fifty merchants and other citizens signed a manifesto against it; but it is safe to say that in general, outside of Boston, there was no serious opposition to the Solemn League and Covenant.

In the light of the machinations and protestations which have just been described, what shall we say of "the spirit of Massachusetts" as a whole in the summer of 1774? Obviously it was not a spirit of submission. Even in the metropolis that attitude failed to dominate. But can we say that the

spirit of the smaller towns which accepted the Covenant was the "true spirit of the province" when we reflect that it was instigated by a few radicals who led them to believe that Boston approved the Covenant, whereas, as a matter of fact, the town had not been specifically consulted on that point? If so, should we not define "the spirit of Massachusetts" as "hoodwinked excitability" rather than cool determination to protect the rights of Americans? Probably it was a combination of the two, but in that combination the latter element was far stronger than the former.

If Massachusetts had been as excitable as Sam Adams and Dr. Warren wished it were, the Covenant would have been adopted by every town in the province,—not by only about fifteen. On the other hand, it was more excitable than any of its neighbors, for despite all the efforts of the Boston Committee of Correspondence the radical Covenant fell as flat as a pan-cake in New Hampshire, Rhode Island, and Connecticut. To the people in these colonies and to the majority of the people in Massachusetts the proposal to place the organization of opposition in the hands of a Continental Congress seemed much more sensible.

Calling the First Continental Congress (1774)

Among the instructions which Governor Gage brought with him, when he arrived in Boston Harbor early in May, was one to remove the General Court to Salem. At Salem, therefore, the General Court assembled in the following month,—and in a belligerent frame of mind. Samuel Adams, a representative from Boston, took possession of the situation, and having taken the precaution to lock the door of the hall in which the House was meeting, he laid before the Assembly the proposals of various town-meetings and committees of correspondence that a congress of the colonies be called. As the New York committee had requested the patriots of Massachusetts to appoint the time and place for the proposed congress Adams moved that it be convened on September 1 at Philadelphia.

While this motion was being discussed, the Secretary of the Province appeared at the door with a proclamation from the

Governor dissolving the General Court. But the door was locked, and therefore the best Secretary Flucker could do was to read the document to a crowd outside, while the representatives went ahead with their business indoors. Sam Adams's resolves providing for a Continental Congress were adopted by a vote of 117 to 12, and the delegates from Massachusetts —James Bowdoin, Samuel Adams, John Adams, and Thomas Cushing—were selected. This momentous business was transacted on June 17, 1774, and in it is to be found the clearest index of the spirit of Massachusetts after the closing of the port of Boston. That spirit was one of determination to defend the infringed rights of Americans and to resort to extra-legal methods in order to accomplish that end.

From this narrative it is clear that the Boston Port Act led directly to the calling of the First Continental Congress. But one sometimes wonders what action, if any, the Congress would have taken upon Boston's distress if other questions had not arisen to complicate the issue and to create alarm in other colonies besides Massachusetts. Fortunately we are spared the necessity of conjecturing upon this hypothesis; for before the Continental Congress met in September, Parliament had supplied adequate grounds for a colonial coalition in support of the Bay Colony. Soon after the passage of the Port Act, Lord North introduced a bill to alter the government of Massachusetts with a view to "the preservation of the peace and good order of the said province." This bill provided: (1) that henceforth members of the Council should be appointed by the King instead of being elected by the House of Representatives; (2) that jurors should be selected by the sheriff instead of being chosen in town meeting as had been the custom; (3) that no more unusual town meetings should be called or held except by special permission from the governor.

The Port Bill Criticised

From the British point of view all these measures were wise and proper. The first brought the government of Massachusetts into uniformity with that of the other provinces whose governors were appointed by the Crown. It was to be hoped that this modification of the Massachusetts charter might in

some way make that province more tractable. The second and third alterations indicated Parliament's recognition of the fact that the basic trouble with Massachusetts was democratic government. Theoretically town meetings meant ideal government in local affairs, but in practice they meant opposition to those who were attempting to govern the British Empire. Something was wrong somewhere,—presumably with the town meeting; so Parliament limited the power of the town in order to improve the administration of the Empire. The bill passed the House of Commons by a majority of 236 to 64 and became a law on May 20.

Whatever the non-New England colonies may have thought of the closing of the port of Boston, they were bound to see dangerous symptoms in this act "for the better regulating the government of the province of the Massachusetts' Bay." And what they did not discover for themselves Adams and Warren hastened to unveil, so that by September 1 all the continental colonies, with the exception of Georgia, were convinced that if they were to continue to enjoy their ancient liberties they must make common cause with Massachusetts in the fight against Parliament. Meanwhile the summer months produced various interesting developments in and about Boston.

The Mandamus Councillors (August, 1774)

The councillors appointed by the King were to supplant the elected councillors on August 1. Being appointed on the King's writ of mandamus they were christened "Mandamus Councillors" by the populace, and it was not long before unlimited odium was attached to that appellation. Thirty-six gentlemen in the Province received the writs, and early in August their names were published. Soon afterwards the Boston Committee of Correspondence, acting upon a suggestion from the Worcester committee, held a meeting in Faneuil Hall, which was attended by delegates from the neighboring counties. By this meeting the new Councillors were declared to be "unconstitutional officers," the supremacy of Parliament was denied, and a provincial congress to take charge of the government of Massachusetts pending the appointment of "constitutional" officers was proposed. If the country towns had been wait-

ing for incitement to open rebellion against the Regulating Act they needed to wait no longer.

By many patriots an open season on "Mandamus Councillors," obedient judges, and sheriffs was now assumed to be declared, especially in the more remote parts of the province. In Berkshire County a mob forced the judges from their seats and shut up the court-house; at Worcester an armed mob, said to have been five thousand strong, obliged judges, sheriffs, and "gentlemen of the bar" to march up and down before them and to read thirty times their refusal to function under the new law; at Taunton and Plymouth the courts were broken up. The accounts of attacks on individuals make less pleasant reading. Let it suffice to say that all the new Councillors who did not resign promptly were hunted down, driven from their homes, and forced to take refuge in Boston. Even in Cambridge a throng of citizens, exasperated because British troops had just carried off two cannon belonging to the town regiment, appeared before the house of Lieutenant Governor Thomas Oliver (afterward the house of Governor Elbridge Gerry and of James Russell Lowell), who was president of the Council, and compelled him to resign.

August 10, 1774, Samuel Adams, Thomas Cushing, John Adams, and Robert Treat Paine duly accredited as representatives of the colony, left Boston to attend three weeks later the Continental Congress at Philadelphia. In their absence responsibility for the conduct of the opposition in eastern Massachusetts rested chiefly upon the shoulders of Dr. Joseph War- was composed of delegates from every town in Suffolk County, "congress" into a thoroughly radical course. This "congress" was composed of delegates from every town in Suffolk county, and it met first at Stoughton, then at Dedham, and finally at Milton. But before we consider the resolves of that determined body we should turn our attention to certain other aspects of the summer of 1774, if we are to appreciate fully the strong feelings of Dr. Warren and his associates.

Military Occupation (May-September, 1774)

When General Gage arrived at Boston in May there were already two regiments of British troops stationed in the vicinity. Within the next few weeks four more regiments were

added to this force and an attendant fleet of warships cast anchor in the harbor. In an optimistic moment Gage had remarked to King George that with four regiments he could easily subdue the Bostonians. Now he had six at his disposal and did not know how to use them effectively. One thing was clear: the inhabitants of Boston were not cowed by their presence. They refused to build barracks for the soldiers, and when Gage procured naval carpenters for that work the Bostonians split the planks before they could be used. They declined to sell him food for his troops; and "the high sons of Roxbury" burned a load of straw which was on its way to town to serve as bedding for the men. All in all they acted like exasperating schoolboys; but unless war was declared, soldiers could hardly be used to discipline them. Gage was a rather likable sort of military man and he had an American wife. Personally he was not unpopular, nor did he wish to be so. On the other hand he must accomplish something in Massachusetts or appear ridiculous on both sides of the Atlantic.

One of his first steps was to fortify the narrow neck of land that connected Boston with the mainland. More alarming was the expedition of two hundred and sixty men which he sent out to Charlestown (Somerville) on September 1 to seize some powder that belonged to the province. The party was successful and three hundred barrels of powder were captured. That night a rumor spread inland that six Americans had been killed by the enemy. The rumor was false,—but within a very few hours at least forty thousand New Englanders had started for Boston! Two or three thousand actually reached Cambridge before learning that no blood had been shed. Scarcely a week later the Suffolk County congress assembled at a private house in Milton and listened to a series of resolves which had been drafted by a large committee of which Dr. Warren was chairman.

The Suffolk Resolves (September, 1774)

Dr. Joseph Warren possessed a literary style which many might envy. It was direct, vigorous, and inflammatory; and nowhere does it appear to better advantage than in the pre-

amble to the famous Suffolk Resolves of September 9, 1774.

"Whereas the power but not the justice, the vengeance but not the wisdom, of Great Britain, which of old persecuted, scourged and exiled our fugitive parents from their native shores, now pursues us, their guiltless children, with unrelenting severity; and whereas, this then savage and uncultivated desert was purchased by the toil and treasure, or acquired by the valor and blood of those our venerable progenitors, who bequeathed to us the dear-bought inheritance, who consigned it to our care and protection,—the most sacred obligations are upon us to transmit the glorious purchase, unfettered by power, unclogged with shackles, to our innocent and beloved offspring." These stirring lines were but the opening sentence of a long and eloquent indictment of "the parricide who points the dagger to our bosoms."

This preamble was followed by nineteen resolves, of which almost every one was clearly rebellious,—not against George III but against Parliament's "unparalleled usurpation of unconstitutional power." They condemned the Port Act and the Regulating Act as "gross infractions of those rights to which we are justly entitled by the laws of nature, the British Constitution, and the charter of our province"; and declared that no obedience was due "to either or any part of the Acts above mentioned." Nor should any regard be paid to judges whose authority rested upon the new laws, for they were "unconstitutional officers." Collectors of taxes and other officials who had public moneys in their hands should withhold these funds from the province or county treasurers until constitutional government should be restored "or until it shall otherwise be ordered by the proposed Provincial Congress."

Furthermore, all "Mandamus Councillors" who did not publicly resign on or before September 20 should be considered as "obstinate and incorrigible enemies to this colony." Military instruction and weekly musters of militia companies were recommended; likewise non-intercourse with Great Britain, Ireland, and the West Indies. Finally, the necessity of a Provincial Congress was urged, "to be holden at Concord on the second Tuesday of October." These resolves "being several times read, and put paragraph by paragraph" were unanimously voted on September 9; two days later a copy of them

was sent to the Massachusetts delegates at Philadelphia by special messenger. That messenger was Paul Revere.

Attitude of the Continental Congress (September, 1774)

Suffolk was not the only county to hold a meeting and to pass resolves. In fact about September 1, 1774, there was almost an epidemic of county meetings. At Concord, on August 30, Middlesex held a convention which was attended by delegates, one hundred and fifty in all, from every town and district in the country. This body declared that to obey the recent acts of Parliament "would be to annihilate the last vestiges of liberty in this province; and therefore we must be justified by God and the world in never submitting to them." Worcester, Plymouth, and Essex Counties likewise assembled and passed significant resolves. But only Suffolk possessed a Dr. Warren, and therefore the Suffolk Resolves alone have won recognition in history.

If we are to believe John Adams—and who can doubt his word?—the reading of these resolutions at Philadelphia on September 17 produced an extraordinary effect upon the members of the Continental Congress. "The esteem, the affection, the admiration for the people of Boston and the Massachusetts which were expressed yesterday, and the fixed determination that they should be supported, were enough to melt a heart of stone. I saw the tears gush into the eyes of the old, grave, pacific Quakers of Pennsylvania." On the following day the Congress unanimously resolved "that they earnestly recommended to their brethren a perseverance in the same firm and temperate conduct as expressed in the resolutions determined upon at a meeting of the delegates for the county of Suffolk, on Tuesday, the 6th instant, trusting that the effect of the united efforts of North America in their behalf, will carry such conviction to the British nation, of the unwise, unjust, and ruinous policy of the present administration, as quickly to introduce better men and wiser measures."

The Provincial Congress (October, 1774)

One of the resolutions passed by the Essex Convention in early September advised that the House of Representatives

should convert itself into a Provincial Congress and carry on the government of Massachusetts without the assistance of the governor or his Mandamus Councillors. Naturally this recommendation was especially displeasing to Governor Gage, and it led him to make rather a fool of himself. He had summoned the General Court to meet at Salem in the first week in October, but the temper of the various county resolves disturbed him. A week before the date set for assembling he issued a blundering proclamation which excused the representatives-elect from their duty of coming together and announced that he would not be present. Just why he did not dissolve or prorogue the General Court in the customary manner does not appear. To have done either would have rendered their meeting clearly unconstitutional; as it was, he left the door of legality open and deprived himself of a good case against the representatives of the people of Massachusetts.

On October 5 the Court assembled at Salem. After waiting a day for the governor to appear, it resolved itself into a Provincial Congress, as had been suggested by the Essex Convention. John Hancock, whom Gage had recently dismissed from the command of the Independent Company of Cadets, was elected chairman and Benjamin Lincoln of Hingham was chosen secretary. Almost immediately the Congress adjourned to meet at Concord three days later, thus realizing—almost to the letter—one of the Suffolk Resolves. At the Salem meeting only ninety representatives appeared. But the open conversion of the House of Representatives into a Provincial Congress made that body suddenly interesting to the people of Massachusetts. Many towns that had neglected to choose representatives now hastened to elect delegates. Concord swarmed with more than two hundred and fifty of the latter, and their place of assembly was changed from the court-house to the meeting-house.

In the light of subsequent events the personnel of this gathering cannot be lightly passed over. Among the delegates from Boston were, of course, John Hancock and Dr. Joseph Warren; the Marblehead delegation included Elbridge Gerry; from Pepperrell came William Prescott who was soon to distinguish himself at Bunker Hill; from Cambridge, Thomas Gardner, who was to lose his life in that battle; James Bar-

rett, who was to command the Concord militia at the North Bridge a few months hence, was present, too; likewise Artemas Ward, the first commander of the American army; and James Sullivan, from the District of Maine, a future governor of Massachusetts. Not all the delegates were distinguished men in 1774 or later, but all were fired with a determination that made them a formidable gathering.

Effect of the Provincial Congress (December, 1774)

It is not surprising that about this time Governor Gage wrote to England advising the suspension of the disturbing laws—the Port Act and the Regulating Act—until a much larger military force could be sent to Massachusetts. Nor is it surprising that the King, no doubt remembering Gage's earlier boast about being able to subdue the province with four regiments, was disgusted.

After a few days at Concord the Provincial Congress adjourned to meet at Cambridge, where it continued to sit until December 10. In these sessions the patriots of Massachusetts took three definite steps towards rebellion and revolution. The first was to send an address to Governor Gage, reciting their grievances against the British government and emphasizing especially their objection to the recent erection of fortifications on Boston Neck. These works, they declared, should be wholly demolished. When Gage replied that self-defense justified his military preparations the Congress was not satisfied. The delegates were certain that Gage intended war, and to offset his agressive measures they created a committee on supplies. This committee made an estimate of the ordnance and military stores needed by the province, which was afterwards accepted by the Congress. As the estimate called for an outlay of more than twenty thousand pounds, the Provincial Congress was obliged to find ways and means of financing it.

This necessity led to the third and most revolutionary step of all. "Henry Gardner, Esq., of Stow" was appointed receiver-general for the province, and it was recommended that sheriffs and collectors of taxes should pay over to him what-

ever public funds were in their possession. Here again one of the Suffolk Resolves was carried into useful execution.

British Expedition to Salem (February 26, 1775)

Nothing did more to universalize and to intensify anti-British feeling than General Gage's occasional military gestures and expeditions. The immediate effect of the false rumors that grew out of the Charlestown expedition of September 1 has already been noted. For a few months that one experience seems to have put a quietus on Gage's zeal. Yet one can hardly blame the general for wishing to seize the American stores of munitions. In the first place he very much needed something suggestive of achievement to report to his superiors in England. In the second place he must have been aware that the Provincial Congress had instructed one of its committees to secure all the public stores which the British had not already appropriated. Likewise he must have known that the militia companies of the various towns were drilling on the commons and muster-fields, and that additional organizations, called "minutemen," were being formed.

As the tense winter of 1774-75 wore on he tried one or two experiments, but neither of them yielded much glory to the British army or helped him at all in his predicament. The maritime town of Marshfield, in Plymouth County, was a fairly notorious stronghold of British sympathizers, as we have observed when considering local reactions to the Boston Tea Party. As the patriot cause solidified and closed in upon Marshfield the conservatives of that town asked Gage to station in their midst a detachment of regulars for their protection. The general complied. A force of one hundred men was sent down and remained there undisturbed until the nineteenth of April. Toward the end of February Gage looked in the other direction and decided to take possession of a few brass cannon and gun carriages which were deposited at Salem or in that neighborhood. One hundred and fifty men, commanded by a Colonel Leslie, landed at Marblehead one Sunday morning (February 26, 1775) and marched to Salem. When it became evident that the desired ordnance was not there the exedition moved on towards Danvers until it was

obliged to halt before an open drawbridge. At the farther end of the bridge stood Colonel Timothy Pickering with thirty or forty of the local militia.

Colonel Leslie looked at the water and he looked at the Americans; and he asked why "the King's highway" was obstructed. He was told it was "not the King's road but the property of the inhabitants, who had a right to do what they pleased with it." All the British colonel could reply to this was that he had orders to cross the bridge and cross it he would, even if it cost him his life and the lives of all his men. In spite of this rodomontade and a scuffle in some flatboats nearby, the drawbridge remained up until—in the course of an hour or more—an agreement was entered into by the two commanders. Colonel Leslie gave his word of honor that if the draw were lowered so that he might pass over it, he would advance not more than thirty rods beyond it and then return to Boston. Pickering took him at his word, and the ridiculous program was carried out forthwith. Thus a bloody encounter was avoided, but news of the episode hardly served to intimidate the militia anywhere in Massachusetts.

Massacre Orations (1771–1775)

The Boston Massacre of March 5, 1770 was an old story in 1775. But the Boston radicals had taken care that time should not dim its memory nor minimize its significance. Owing to their efforts the custom was established to celebrate the anniversary with a special town meeting and an oration commemorating the "horrid massacre" and dwelling upon "the ruinous tendency of standing armies in free and populous cities in a time of peace, and the necessity of such noble exertions in all future times as the inhabitants of the town then made, whereby the designs of the conspirators may still be frustrated." This custom, we are told, continued in Boston until 1783, when it was supplanted by the Fourth of July oration. In 1771 Mr. James Lovell was the speaker; in 1772 Dr. Joseph Warren held forth before "a crowded assembly" in the Old South meeting-house; in the following year the oration was delivered by Dr. Benjamin Church; in 1774 John Hancock was the orator, and according to the town records his address

was "elegant and spirited." ('Tis true that some have suspected that his speech was written for him by Samuel Adams, but we need not enter into that controversy.) In 1775 the honor went again to Dr. Warren.

The town meeting that day (March 6, 1775) was held in Faneuil Hall, as usual; but as the hour for Dr. Warren's speech approached, it became evident that the hall was not "capacious enough to contain the Inhabitants, that may attend upon this Occasion." Consequently the meeting was "adjourned to the Old South Meeting House, to meet there at half past Eleven o'clock." When the appointed hour arrived, the directors of public opinion made excellent use of the material at their disposal. Before Warren was called upon to speak, someone brought up the case of "Mr. Christopher Monk, a young man, now languishing under a Wound he received in his Lungs, by a shot from Preston's Butchering Party of Soldiers on the 5th of March 1770." A motion was made, and it was voted that "there be a Collection made in this Meeting" for his benefit. Now indeed the psychological moment for Warren's oration had come.

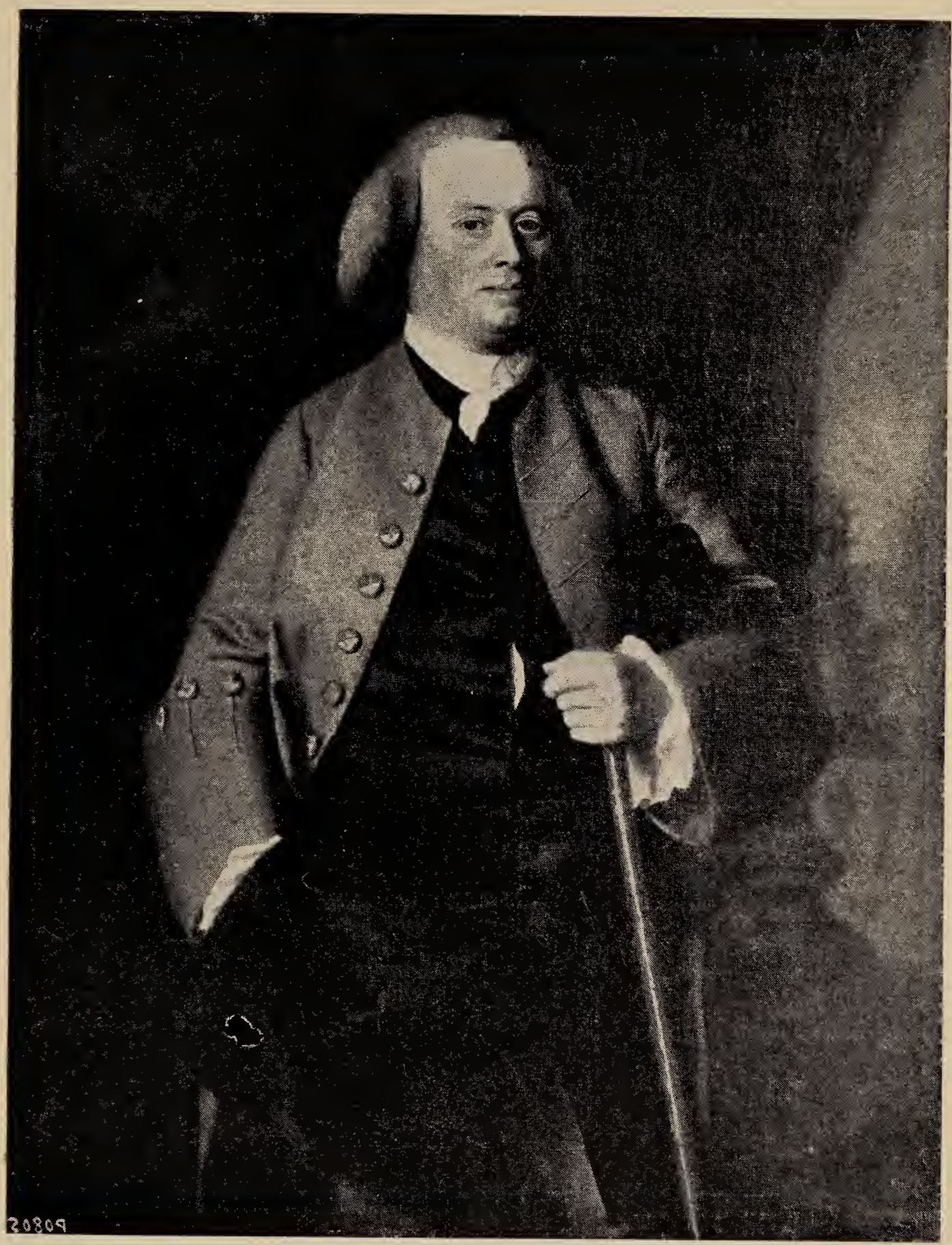
The setting for the occasion could hardly have been improved, for besides the Bostonians who had flocked into the meetinghouse there were present about forty British officers of the army and navy. As far as we can learn, these gentlemen had no right to attend a Boston town-meeting; but instead of turning them away, Samuel Adams—who discovered them standing in the aisles—treated them with marked courtesy. Some were invited to occupy front pews; others were accommodated on the platform above the pulpit stairs,—where their uniforms blazed in striking contrast to the pulpit which was draped in black.

Warren's Oration (March 6, 1775)

Dr. Warren began his address in a firm tone and in a sincere but unimpassioned manner. His first proposition was that "personal freedom is the natural right of every man, and that property, or an exclusive right to dispose of what he has honestly acquired by his own labor, necessarily arises therefrom." This was followed by an inspiring narrative of the settlement

and growth of this country and a picture of the colonists glorying in Britain's fame. Then came the story of British aggression, culminating in the atrocity of the Boston Massacre. By this time Warren had worked himself into a mood and manner appropriate to his theme. After describing the slaughter with more vividness than delicacy, he exclaimed, "We wildly stare about, and with amazement ask, Who spread this ruin round us? What wretch has dared deface the image of his God? Has haughty France or cruel Spain sent forth her myrmidons? Has the grim savage rushed again from the distant wilderness? Or does some fiend, fierce from the depth of hell, with all the rancorous malice which the apostate damned can feel, twang her destructive bow, and hurl her deadly arrows at our breast? No: none of these;—but how astonishing! it is the hand of Britain that inflicts the wound."

Time and again the orator proclaimed America's allegiance to the King; on the other hand he did not hesitate to suggest the probability of armed resistance to British aggression. In many passages his rhetoric is too high-flown for twentieth-century taste; but part of the peroration should be quoted, for it expresses perfectly the spirit of Massachusetts in March, 1775. "You will maintain your rights, or perish in the generous struggle. However difficult the combat, you will never decline it when freedom is our prize. An independence of Great Britain is not our aim. No: our wish is, that Great Britain and the colonies may, like the oak and ivy, grow and increase in strength together. But, whilst the infatuated plan of making one part of the empire slaves to the other is persisted in, the interest and safety of Britain as well as the colonies require that the wise measures recommended by the honorable, the Continental Congress be steadily pursued, whereby the unnatural contest between a parent honored and a child beloved may probably be brought to such an issue as that the peace and happiness of both may be established upon a lasting basis. But if these pacific measures are ineffectual, and it appears that the only way to safety is through fields of blood, I know you will not turn your faces from our foes, but will undauntedly press forward until tyranny is trodden under foot, and you have fixed your adored goddess, Liberty, fast by a Brunswick's side, on the American throne."



From a copy of the portrait in the possession of Hon. Winslow Warren, by his courtesy

JOSEPH WARREN

Public Opinion

As one looks back, from the day of Warren's massacre oration in March, 1775 to the day after the Tea Party in December, 1773, he is certain to feel that during those fifteen months the public opinion of Massachusetts had undergone a marked change. At the time of the destruction of the tea active opposition to the British government appears to have been confined to a few aggrieved merchants and to such patriotic die-hards as Samuel Adams, John Adams, Dr. Joseph Warren and Elbridge Gerry. To this company one should add, of course, the mob, which was ready to oppose anything in order to enjoy a bit of excitement. The people of the interior of the province were fairly contented and there was little, if any, reason to suppose that the comfortable *status quo* would not continue indefinitely. Sam Adams's attempt to resurrect the tiresome issue of the negligible tax on tea met with little encouragement, and Massachusetts as a whole was not proud of what had happened in Boston on December 16, 1773.

News that Parliament had made up its mind to punish the ebullient metropolis by closing its port made a stir throughout the province, but even in Boston itself there was no unanimity of feeling. The "better" class of citizens, merchants for the most part, thought that Parliament was justified and that the sooner Boston paid the bill and got down to business the better. Their prudence and pacifism, however, was defeated by the organization and propaganda of the Committee of Correspondence. In town meeting Boston declined to admit that she had done wrong; and the other towns, in general, gave her their moral support.

The Boston Port Act led directly to the calling of the First Continental Congress, but it did not throw Massachusetts into a tantrum of resistance. From which one may infer, and probably correctly, that in her heart the province still disapproved of the Tea Party. But when it became apparent that the British Government intended not only to punish Boston but to remodel the government of the entire province, every red-blooded Yankee began to roll up his sleeves. To use an old New England expression, there was "no call" for steps

in that direction. Massachusetts had lost half of her independence when a new charter supplanted the old toward the end of the seventeenth century. Did Britain now intend to take away the other half? If so, there was going to be a fight.

When public opinion had reached this point it was not difficult for the radical "machine"—Sam Adams, Dr. Warren and their co-workers—to make it articulate, and to organize an independent government for the people of Massachusetts. In the Suffolk Resolves, Warren may have expressed more intense feeling than the average of his fellow-citizens felt at that time, but his rhetorical skill intensified the general dissatisfaction until it approximated his own passion. The smooth transference of the government from the old General Court to the new Provincial Congress was an amazing achievement. At the very moment when the men of Massachusetts were protesting that they did not aim at independence, they cast off the government which suited them not and set up one that met their immediate needs. To all intents and purposes the new government took possession of the treasury and military establishment of the old.

When this juncture was reached, Great Britain had to choose between acknowledging herself defeated and attempting to assert her authority. On the night of April 18, 1775 she chose the latter course.

SELECT BIBLIOGRAPHY

ADAMS, JOHN.—*Works* (10 vols., Boston, Little, Brown, 1850-1856)—includes a life of John Adams and notes by C. F. Adams. Vol. III contains Adams's diary for 1774-75. In spite of its self-consciousness and egotism it affords an interesting view of men and events in Massachusetts just before the Revolution.

BANCROFT, GEORGE.—*History of the United States; author's last revision* (N. Y., Appleton, 1887)—Chapters I, II III, IV and VIII of Vol. IV describe Massachusetts on the verge of war, in the fervent style which our grandfathers admired.

BARRY, JOHN STETSON.—*History of Massachusetts* (3 vols., Boston, Phillips, Sampson, 1855-57)—Vol. II, chap. XIV, gives a straightforward account of the events from the passage of the Tea Act to the beginning of the siege of Boston. Excellent for background.

BELCHER, HENRY.—*The First American Civil War* (2 vols., London, Macmillan, 1911)—A modern history of the Revolution written by an Englishman. An antidote for Bancroft. Chapters III and IV of Vol. I treat of Boston in 1774-75.

BRADFORD, ALDEN.—*History of Massachusetts* (3 vols.; each vol. separately published. Vols. I, II, Boston, Richardson and Lord, 1822-29)—A sober, painstaking history, written in the days when the name of Hutchinson was still detested in Massachusetts. A remarkable work by a pioneer in the field. Chapters xiv and xv of Vol. I deal with the years 1774 and 1775.

BROWN, ABRAM ENGLISH.—*John Hancock, His Book* (Boston, Lee and Shepard, 1898)—A readable biography, based largely upon Hancock's letter-book. Chapter XVII narrates the events of 1774-75 as they affected Hancock.

BURNETT, EDMUND CODY, editor.—*Letters of Members of the Continental Congress* (3 vols., Washington, 1921-1926)—Some of the letters from the Massachusetts members, in Vol. I, are significant historical documents of this period.

CHANNING, EDWARD.—*History of the United States* (6 vols., New York, Macmillan, 1919-1925)—Volume III, chap. V, gives a compendious but singularly vivid account of the years 1770-1774. Probably the best brief statement of this period.

FISHER, SYDNEY GEORGE.—*The Struggle for American Independence* (2 vols., Phila. and London, Lippincott, 1908)—This is one of the earliest attempts to relate the story of the Revolution with entire fairness. It is successful in this respect, and has the additional merit of giving useful citations in the footnotes.

FORCE, PETER, compiler.—*American Archives; consisting of authentic records, state papers, debates, and letters and other notices of public affairs, the whole forming a documentary history of the origin and progress of the North American Colonies; of the course and accomplishment of the American Revolution. Fourth Series.* (6 vols., Washington, 1837-1853)—Volume I, contains an extraordinary amount of contemporary material dealing with Massachusetts in 1774-75. See index, under "Massachusetts Bay."

FROTHINGHAM, RICHARD.—*Life and Times of Joseph Warren* (Boston, Little, Brown, 1865)—An excellent old-school biography. One-sided, but invaluable in its own field. Especially good is the account of the Suffolk Resolves.

GRAY, HARRISON.—*A Few Remarks upon Some of the Votes and Resolutions of the Continental Congress, Held at Philadelphia in September and the Provincial Congress, Held at Cambridge in November, 1774. By a Friend to Peace and good Order* (Boston, 1775)—This pamphlet illustrates the point of view of the extreme conservatives.

HARLOW, RALPH VOLNEY.—*Samuel Adams, Promoter of the American Revolution. A study in Psychology and Politics* (N. Y., Holt, 1923)—A recent biography which attempts a new interpretation of its subject.

HILDRETH, RICHARD.—*The History of the United States* (6 vols., N. Y., Harper, 1880)—Chapter I of Vol. III covers this period sufficiently for the general reader.

HOLLAND, JOSIAH GILBERT.—*History of Western Massachusetts. The Counties of Hampden, Hampshire, Franklin, and Berkshire* (2 vols., Springfield, Bowers, 1855)—Chapter XV of Vol. I touches upon the unrest in Western Massachusetts before and after the passage of the Boston Port Bill.

HOSMER, JAMES KENDALL.—*Samuel Adams* (Boston, Houghton Mifflin, 1900)—Though prejudiced in favor of its subject, this is a sound and highly readable biography.

HOSMER, JAMES KENDALL.—*The Life of Thomas Hutchinson, Royal Governor of the Province of Massachusetts Bay* (Boston, Houghton Mifflin, 1896)—A good biography of an unpopular man. Pages 304-318 depict Hutchinson's sentiments and deeds from the time of the Tea Party till his departure for England about six months later.

HULTON, ANN.—*Letters of a Loyalist Lady, being the Letters of Ann Hulton, sister of Henry Hulton, Commissioner of Customs of Boston, 1767-1776* (Cambridge, Harvard Univ. Press, 1927)—This collection of letters is as informing as it is charming. Ann Hulton's views presumably reflect those of her brother, a broad-minded British official.

HUTCHINSON, THOMAS.—*The History of the Province of Massachusetts Bay from 1749 to 1774* (London, John Murray, 1828)—As Governor Hutchinson's narrative ends at June 1, 1774, only pages 439-460 deal with the period between the Tea Party and Lexington. But these are worth reading as an example of Hutchinson's literary style and of the harassed state of his mind in 1774.

LINCOLN, WILLIAM.—*History of Worcester, Massachusetts* (Worcester, C. Hersey, 1862)—An excellent, old-fashioned, town history. Chapter VI narrates the disturbances of 1774-75 in detail, and with noticeable fairness.

MASSACHUSETTS: PROVINCIAL CONGRESS.—*Journals of each Provincial Congress of Massachusetts in 1774 and 1775 and of the Committee of Safety.* (Boston, 1838)—An invaluable source of information for the student of Massachusetts History in this period.

PALFREY, JOHN GORHAM.—*History of New England* (5 vols., Boston, Little, Brown, 1858-1890). Chapters X and XII of Vol. V cover the subject adequately, but the author's strictures upon Hutchinson now seem unfair.

PICKERING, OCTAVIUS.—*The Life of Timothy Pickering* (4 vols., Boston, Little, Brown, 1867-1873)—Vol. I, ch. IV gives a detailed account of Col. Leslie's expedition to Salem.

ROWE, JOHN.—*Letters and Diary of John Rowe, 1759-1762, 1764-1779.* (Boston, Clarke, 1903)—Edited by Annie Rowe Cunningham. Here and there this diary throws interesting sidelights on Boston life in 1774-1775.

SCHLESINGER, ARTHUR MEIER.—*The Colonial Merchants and the American Revolution, 1763-1776* (N. Y., Columbia Univ., 1918)—Chapters VII, and VIII give an interesting account of the cross currents of colonial opinion in 1774. The writer has the advantage of possessing an extra-New England point of view which is stimulating.

TREVELYAN, SIR GEORGE OTTO.—*The American Revolution* (6 vols., N. Y., and London, Longmans, Green, 1905-1915)—The American troubles as seen through the eyes of a very friendly Englishman. An excellent piece of literature. Chapters V, VII, and VIII in Vol. I give a dramatic and for the most part correct picture of Massachusetts just before the outbreak of the Revolution.

TUDOR, WILLIAM.—*Life of James Otis* (Boston, Wells and Lilly, 1823) —A classic, which is as enjoyable today as it was a hundred years ago. Chapters XXVII, XXVIII, and XXIX bear upon the period of this chapter.

WELLS, WILLIAM VINCENT.—*The Life and Public Services of Samuel Adams* (3 vols., Little, Brown, Boston, 1865)—The standard work on Samuel Adams, but not the most readable. In a sense it is a companion piece to Frothingham's *Warren,* but it is less artistic.

CHAPTER XIX

THE NINETEENTH OF APRIL, 1775

By Allen French

The British in Boston

When midnight sounded from the steeples of Boston, announcing the end of the 18th of April, 1775, there began the most fateful day in the history of Massachusetts. The founding of the colony occupied a busy decade; everything since had been of slow growth; but in that single day the situation changed from peace to war, and the colonists became rebels fighting, if not yet for independence, at least for acknowledgment of their rights.

Thomas Gage, the British Governor of the Province and commander in chief, doubtless felt himself pushed into action. Since his fruitless attempt to seize the concealed cannon at Salem, he had seen the Whigs completing a rival military organization, and setting up the machinery of a civil government not recognized by the British Government. Both were beyond his control. For his authority extended nowhere beyond the bounds of Boston, while outside a legislature was sitting at Concord, committees were carrying on every sort of illegal activity, and a colonial treasurer was in function to whom the towns were reported to be paying the monies due to the lawful treasurer of the Province. Quite as important, the ancient militia of the Province had been remodelled to admit into its organization companies, and in fact regiments, of minutemen pledged to be ready at all times. The neighboring colonies were following suit. A government assuming to be Massachusetts had decided that an "Army of observation" should be immediately called out, whenever five hundred of the regulars, with artillery and baggage, should march from Boston. Distrusting even this expedient, the

Province began to take steps to keep a number of troops constantly under arms, and invited the other New England colonies to do the same.

Plan of Destruction of Stores

No royal governor could watch such actions without planning to check them. If Gage could act before any of the provincials were regularly in arms, his success would be more certain. Legally he felt safe, because the actions of the provincials had been declared by what till now had been superior authority to be treasonable. Of military force he had sufficient, considering the large reinforcements that had been promised him. The loyalists at his elbow were urging that the rebels be disarmed; the spring was early, and the roads were good. To be sure, Gage had already pointed out, in a letter home, that the colonists could be formidable when fighting by their own frontier methods; and of those methods he had surely seen enough at Braddock's defeat in 1755.

Nevertheless, other considerations decided him to seize the military stores which the Provincial Congress had been assembling at Concord for the use of its army. He knew those depots to be small and scattered, yet he laid his complex plans and gave his orders, guilelessly expecting them to be carried out in secret.

Romanticists cherish the idea that Gage was betrayed by his wife, basing their belief on his statement that he told the plans to only one other person besides Lord Percy, and on the fact that she was an American. True, Mrs. Gage may have been the "other person," and woman's gossip might well account for much. But she was in all other things loyal to Gage, and there is no reason to suppose that she would knowingly betray him in this.

The Warnings from Boston

No, the General's preparations were plain to the dullest Whig observer. What was the meaning of the assembling of the boats of the fleet, and the putting of the grenadiers and light infantry off duty? These unconcealed preparations put the provincials on their guard; and when the preparatory

movements of the troops began, positive news was brought to Joseph Warren in Boston. When Lord Percy, walking on the Common in the dark, discovered from the talk of lounging Americans that the secret was out, he secured from Gage orders to close the Neck and Charlestown Ferry, but it was too late. Warren's messengers were already gone westward.

These two men were trusted Whigs and men of experience. They left Boston by the alternative routes. William Dawes, always purposely on friendly terms with many of the soldiers, jogged past the guard at the Neck, and was gone in the gloom. Paul Revere's task was harder, for the ferry ceased to ply at nightfall, and all private boats had been sequestered by the terms of the Port Bill—all, that is, that had not been concealed. It is true that available for Revere was a hidden boat. It is true also that on his last return from Concord he had arranged for a signal to give the news to watchers in Charlestown. But it was important that he should cross if possible, knowing best the roads and being deepest in the confidence of the Whig leaders. He went, therefore, to a friend and directed him to hang two lanterns in the belfry of the North Church—the signal that the British were to cross that night in their boats. Next, Revere, with two other friends, attempted the crossing of the river Charles.

Admiral Graves took to himself much credit that he had found that the ship *Somerset* could anchor in the ferry way, with room to swing with the tides, commanding Charlestown and the passage of the river. By the light of the rising moon Revere watched the ship anxiously. His boat must go between it and the moon; the ship was winding with the young flood tide; an alert sentry should have seen him. But he passed and reached the Charlestown shore, was welcomed and assisted by watching friends, and so, well horsed, started for Lexington.

Paul Revere's Ride

He had scarcely left Charlestown before he was intercepted. Out of the shadows, where the road passed Charlestown Common, started two mounted British officers, attempting to seize him. Turning back, Revere avoided them, shook off

their pursuit, and at full gallop took the road to Medford. There he roused the captain of the minute-men, and all the rest of the way to Lexington he alarmed almost every house. "About midnight," it is recorded, he reached Lexington, and rode straight to the house of Parson Jonas Clarke, where (as he knew) were staying the patriot leaders, Samuel Adams and John Hancock. At the door William Munroe, first sergeant of the minute-men, had placed himself with a guard, because of earlier but uncertain news. He requested Revere to make no noise. "Noise?" answered the messenger. "You will have noise enough before long. The regulars are coming out!"

Hancock, not yet asleep, recognized Revere's voice and called him in. His news set the household into dispute. The fiery Hancock was for staying to fight; he began furbishing his arms, and neither the reasoning of Adams nor the entreaties of his fiancée could move him. Revere, now joined by Dawes, started on toward Concord, and together with a young Dr. Prescott of that town, again began rousing the houses along the way.

The British Expedition

Meanwhile at Boston the slow process of ferrying the troops across the Charles had been completed, and at the hour when Revere arrived at Lexington, some seven hundred troops were on Lechmere Point, just across the river, waiting for rations to be brought. The place was chosen because of its remoteness. Hence, while the commander might hear the midnight bells of Boston, he could not yet know of the tolling from the inland steeples. Neither the need of haste, nor the fact that the secret of the expedition had been penetrated, was yet brought home to him.

This commander was Lieutenant-colonel Francis Smith, of the 10th Regiment of Foot, chosen apparently because he was next for duty. No other reason qualified him for the responsibility; for though he had served in America, and had in fact been commandant at Fort Niagara, he had not yet learned the need of swiftness in any military expedition, nor of personal superintendence of its details. We know from the

diary of Frederick Mackenzie, who marched the flank companies of the Welsh Fusiliers to the beach at Boston Common where the expedition embarked, that Smith was late at the rendezvous. There is nothing in the whole history of the day to show that he was in thorough command of any situation, except when he sent to Gage a call for help.

His second in command was John Pitcairn, major of marines, a man of vigor and outstanding personality. After his untimely death at Bunker Hill, there was forthcoming good American testimony to the effect that Pitcairn was a man of humanity and good feeling, capable of justice to his opponents. This is to be remembered in considering the story of the day, wherein Smith, except for the great factor of his dilatoriness, was but a cipher, while Pitcairn appears in action.

British March to Lexington

The men of this detachment were the flank companies of the various battalions—that is, the heavy and the agile men of infantry and marines, organized into grenadier and light-infantry companies. Picked men, Gage had ordered them on a special duty, as if foreseeing that there might be needed all their best qualities. Accompanying the detachment were certain civilian guides and such volunteers as, hearing of the expedition, could get permission to go. In advance had been sent groups of officers, to stop travel on the road to Concord, and by preventing an alarm, to make sure that there would be no rousing of the minute-men.

When at last the little expedition was ready to start, the hour was probably well past midnight, and the tide had made Lechmere Point so much of an island that the men had to wade. The water was above their knees, the night was cold, and the subsequent quick march must have been a relief to the soldiers, many of whom threw away the rations which later in the day they would have been glad to eat. At first through byways, but soon on better roads, they passed through the open farming country which now is Somerville. Avoiding the neighborhood of the village of Cambridge with Harvard College, they reached what is now North Cambridge,

and at length were on the main highway to Concord, along the present-day Massachusetts Avenue.

The Minute-men

Following his instructions, Smith detached six companies of light infantry, and putting them under Pitcairn, sent them in advance, to seize the Concord bridges. Then as Smith followed he heard in the night the sounds of church bells and of guns, telling that the country was alarmed against him. Uneasy, he sent a messenger to Gage carrying this information, and asking for support. That message proved to be ultimately the salvation of his detachment.

Pitcairn, marching ahead, not only heard the bells and guns, but received other proof that the country was roused. From time to time observers came riding singly toward him, expecting to dash away with the news of his coming; but surprised in the dark by his advance guard, they were steadily gathered in. Toward daylight, Thaddeus Bowman, warned by the unwillingness of his horse to proceed, saw not only the guard but also Pitcairn's main column, and galloped away. Soon afterward came riding to meet Pitcairn, out of the dawn, the group of officers who, sent out in advance, had been lying in wait between Concord and Lexington. Their leader, Major Mitchell of the 5th, brought disturbing news. They had captured Paul Revere, who told them that the whole country had been warned of Smith's advance, and that soon five hundred men would be gathered to oppose him. Two other messengers had escaped Mitchell, and he had heard a volley from at least a company of provincials. Releasing Revere, he turned back to warn the expedition.

At this news, Pitcairn halted his light infantry and ordered them to load. By the time this operation was completed, and the men were warned not to fire without orders, Smith and his remaining men had reached the spot. Pitcairn again marched on ahead, and as he went, more disturbing news came to him. A countryman had been seen to snap his gun at Lieutenants Adair of the Marines and Sutherland of the 38th, who, volunteers with Major Mitchell, were now with Pitcairn's advance guard. Individual provincials, with arms

in their hands as if going to a rendezvous, blundered into the column, and were seized. The provincial drum must have been heard. On the alert, not knowing what to expect, Pitcairn marched on, and came within sight of Lexington Green.

Preparations at Lexington

In the meantime the provincials had been preparing and waiting. At the house of Parson Clarke, John Hancock still had wished to stay and fight, until toward daylight the second arrival of Revere, released by his captors, seems to have brought decision. For it is very likely he who brought the news that British officers had been inquiring for Clarke's tavern, as if the two patriot leaders were their object. Adams urged again that to stay and be captured, or killed, would be playing into the hands of the British: "We belong to the Cabinet," said he. Hancock consented to depart, and Revere and Sergeant Munroe conducted the two patriot leaders to safety in a ledge of rocks still pointed out.

For some hours, on or near the green the Lexington company of minute-men had been waiting in a state of varying expectancy. Assembled at Revere's first news, they were at first a hundred and thirty strong. Though the scouts sent down the road toward Cambridge did not return, their continued absence was not regarded as suspicous; the company had waited long, and they felt the chill of the night. Therefore before dawn Captain Jonas Parker dismissed his men, with the warning to be at hand when needed. The men felt too secure; for while some went to the Buckman Tavern, hard by the green, and some to homes that were close at hand, nearly half the company went away out of easy call.

The return of Revere with the news of his capture and release does not seem to have caused alarm. Revere was on his third approach to the green, whither Sergeant Munroe had apparently preceded him, when the alarm came. In the lessening twilight Thaddeus Bowman galloped up with the word that he had seen the head of the approaching column. He was followed, with similar news, by Benjamin Wellington on foot. Parker gave the order to assemble his men, and those who hastily assembled were put in line. Revere,

rescuing a chest of Hancock's papers, heard the Captain say: "Let the troops pass by, and don't molest them, without they begin first."

Collision at Lexington Green

It is vain to ask, with wisdom after the event, why they took the risk of blocking the way of a British armed force. Long ago William Heath, who fought on that day, pointed out that this was "a too great braving of danger." The same might be said of countless actions which nobly failed. In warning and in protest the Lexington men stood there.

The road to Concord runs through Lexington along the southern side of its beautiful green. At the angle of the green which points toward Boston, the road to Bedford turns off to the north; and in this angle, in those days, the meeting-house stood, with its separate belfry close by. Several rods behind and north of these, William Munroe formed the remnant of his company in two platoons of two ranks each, to make the best show that he could. The Lexington men might have stood there unperceived, had the darkness lasted. But the first rays of the sun were striking along the green, and the provincials were clearly visible. Turning to the right of the meeting-house, the light infantry marched directly at them. Then, galloping to the left, around the buildings, Pitcairn, followed by Major Mitchell and several mounted officers, swung toward the flanks of the opposing companies.

It must have appeared to Pitcairn that his task was slight. This little company of perhaps seventy men must scatter before his three times greater number. But he had no intention of leaving armed men in his rear. Therefore thrusting himself almost between the forces, he shouted to the provincials his two famous orders—to lay down their arms, and to disperse.

The minute-men had already shown signs of dispersing. And now Parker, seeing the hasty advance of the regulars, "rushing furiously," gave the order "to disperse and not to fire." By all but a few, he was obeyed. Jonas Parker, who had sworn never to run from a redcoat, stood unmoved; and the breaking ranks left a few more, still in the original line. Even the dispersing men carried their guns. Pitcairn,

with an oath that was remembered against him, cried, "Damn you, why don't you lay down your arms?"

Revolutionary War Begins

What then happened is, in its beginning, obscure even today. A gun or pistol was discharged. If a pistol, it was British. The regulars claimed that a provincial gun fired first. In the most recently discovered document, the British Lieutenant Sutherland solemnly declared that the British held their fire, and Sutherland was with Mitchell and Pitcairn in front. The Americans who were present always as solemnly declared that the aggression was British. Ezra Stiles' study of the case is interesting, for it is based upon information from the only American who talked with Pitcairn upon the subject. Pitcairn "insisted upon it to the day of his death that the Colonists fired first . . . But . . . he expressly says . . . those guns he did not see." Stiles concluded that the responsibility lay with the Massachusetts "Soldiery and young Officers." The truth may lie there.

Whoever began the firing, the British readily took it up. They had been directed not to fire without orders, and Pitcairn declared that he now "commanded not to fire & endeavored to stay & stop the firing after it began." But the soldiers, rushing forward, needed no other signal than the sound of a shot. Two volleys they fired, then charged through the smoke of their guns, to clear the ground of those who had made response. Alone to dispute them stood Jonas Parker, his hat containing cartridges between his feet, struggling to reload. He was bayoneted, and the regulars held the green. Only one of them was wounded (as was Pitcairn's horse), while the volleys of the regulars dealt not only wounds but death. Some of the minute-men fell at the first fire; some, like Jonathan Harrington, who dragged himself to his nearby doorstep and expired at his wife's feet, got away only to die. Caleb Harrington ran from the meeting-house, where he had gone for powder, and fell to the British guns. And a Woburn man, captured earlier and a prisoner amongst the British, tried to escape and was killed. In all eight men were

From the engraving by Amos Doolittle; courtesy of Allen French, Esq.

THE BATTLE OF LEXINGTON

killed, and ten wounded, before the redcoats, "so wild they could hear no orders," could be got under control.

By this time Smith came up to the village with the remainder of his force. Sutherland, whose horse ran away with him amongst the escaping provincials, and who reported himself as fired upon by a "vast number," is the sole authority for the statement that the grenadiers, on arriving, fired upon these provincials. The lieutenant got safely back to the green; at Smith's order he found a drummer to beat the recall, and the men were with difficulty assembled. To the indignation of Parson Clarke, hurrying up too late, the British gave three cheers for their victory. The whole affair on Lexington green, so big with consequences, to them seems slight in its appearance, and delayed them scarcely half an hour.

Alarm at Concord

The alarm had reached Concord some hours previously. when Revere was caught by the British; for William Dawes eluded them by turning back and their companion, Dr. Prescott, escaped by leaping his horse over a wall. A short detour brought the messenger back to the road close to the houses of the captain and the first sergeant of the Lincoln minute-men. Here he told his news; then hurrying to Concord, he roused the guard which for some time had been stationed nightly at the court house. The bell was rung, to alarm the town, between one and two o'clock A. M.

The town had not, however, been entirely asleep, for at least some men were busy all night long in carting to safety the most movable of the military stores,—which were the objective of the British expedition,—a work which had been going on since the day before, because of orders voted by the provincial Committees of Safety and Supplies. In consequence, not all of Concord's men were at home, to take their places in the ranks of the militia companies. Two of these military units were minute-men; of the remaining two, one was an "alarm company," comprising the old men.

All gathered at the Wright Tavern—which still stands; then after waiting for a while, they sent Reuben Brown on horseback to Lexington for news, and dispersed to help in

the work of concealing stores. Two miles beyond Concord others were hard at work hiding stores at the farm of Colonel James Barrett, colonel of the militia. By daylight came into Concord the men of Lincoln, and about that time returned Reuben Brown on his sweating horse, with news that he had seen firing at Lexington. Major Buttrick, in command, asked if the regulars fired ball. Brown "thought it likely." In the smoke, he had not seen the dead. The militia forces in and about Concord were assembled again, in doubt what to do.

Preparations at Concord

To simplify the topography of Concord, one needs chiefly to remember that a road enters the town from the east and runs to the square, about which were grouped the Wright Tavern, the court house, and the mill-pond. From the square, another road runs north. The provincials knew that the British were sure to march in by the eastern road, and were then most likely to send a strong detachment out by the northern road, which after half a mile turned abruptly west, and crossing the river by the North Bridge, led to the farm of Colonel Barrett. Both of these roads were overhung on the northerly side by low ridges or hills; even across the bridge the plateau of the Buttrick farm stands above the road and has its part in the story.

To guard against surprise, Buttrick sent a detachment down the eastern road to Meriam's Corner, perhaps a mile away. Here the detachment first viewed the advance of the British and retreated before their strength—a strange parade, each party marching to drum and fife. At the Liberty Pole, on the ridge above the square, the detachment joined the remaining militia companies; then the whole retreated again, as the advance guard of the British once more appeared, to a post upon the ridge above the northern road.

The British took possession of Concord Square, and at once divided in search of the military stores which Smith was commanded to destroy. Smith had a map of the town, guides to the places marked on it, definite orders what to seek for, and even careful directions how to destroy the stores. He sent a small party to the South Bridge. But to the

North Bridge he sent out his main force of six companies, not under Pitcairn this time, but under their two senior captains. They marched away by the north road.

Disposition of the Two Forces

At once the troops were seen by the Americans on the ridge, who had immediately to make the decision whether to oppose the British, or to retire across the bridge. It is said that the minister, William Emerson, with a fervent trust that God would fight for the right cause, urged a stand. But there were wiser men on the spot, and Barrett himself was there to take command. Once more the provincials retreated before the British, crossing the bridge just before them. To protect his family, and to comfort the women and children of his flock who thronged to his house, the minister did not cross the river but remained at the Manse, close to the bridge. A few other fathers of families similarly stayed at their homes. The body of the militia, after crossing the bridge, turned from the highroad and marched by a byway to the high ground of the Buttrick farm, possibly shifting position more than once, until they stopped in a field from the edge of which the bridge was in plain view, not far away. Here they waited the reinforcements which were sure to come.

Meanwhile the British at the bridge divided. Three companies, under Captain Parsons of the 10th, marched forward on the highroad another two miles to the house of Colonel Barrett. The remaining three, under Captain Laurie of the 43d, posted themselves with one company at the bridge and two on the hillside across the river, one near the Buttrick house, one watching Parson's route. It may have been half past eight in the morning when these positions were taken, to be held while the search for stores was going on.

Destruction by the British

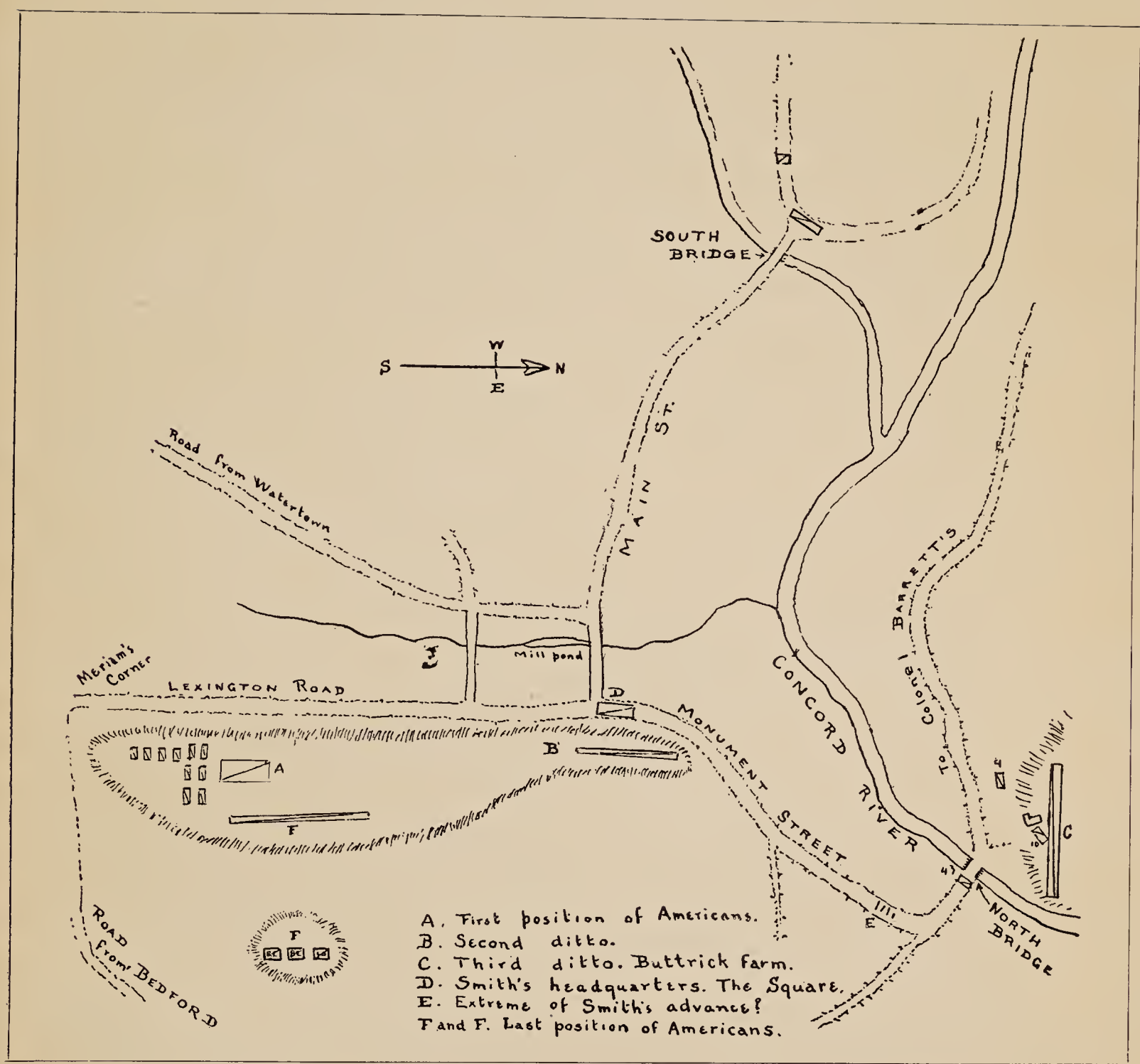
In the village the results of the search were very meager. A few hours' industry had put in safety the most precious material of all, gunpowder. None of it was found. But various rummagings brought to light bullets, gun-carriages,

barrels of wooden spoons, intrenching tools, a quantity of flour, and two twenty-four-pound cannon. Smith did not adhere to Gage's minute directions. In the process of destruction powder and "flower" were to be shaken out of their barrels into the river; and the soldiers were to put bullets or lead into their pockets, afterward scattering them in small quantities into ponds and ditches, so that they could not be found. Instead of this, the bullets were thrown together into the millpond or wells, and most of them were later recovered. The barrels of flour were rolled into the pond; the outer contents swelled, and made the barrels tight, which permitted the later salvaging of the remainder.

Certain things were burned. The liberty pole was chopped down, and a bonfire made of its pieces. The wooden spoons were burnt, and also the gun-carriages. A bonfire was built so close to the townhouse that the building itself caught, and was saved from destruction by the efforts of the British themselves because of the urgent pleadings of old Hannah Moulton, who had stayed in the town when most of her neighbors fled. The harness-shop of Reuben Brown was fired, but the flames were extinguished. The smoke of all these fires, seen by the militia at the Buttrick farm, had its effect on the spirit of resistance.

At the farm of Colonel Barrett the regulars found very little. Tradition says that cannon were concealed in the field by being ploughed under, the work continuing even after the regulars were in sight. Flints, bullets, and cartridges were hidden under feathers in barrels in the garret, and not found. The British discovered the wheels of cannon-carriages, planned to burn them near the barn, and upon expostulation made the fire in a place of greater safety.

Many stories, authenticated or traditional, have been circulated regarding the British actions in Concord on that day. Some are amusing, showing the skill of the Yankees in concealing stores or in turning suspicion. Some, at this distance of time, surprise us by our ancestors' horror of the profanity or threats of the regulars, at the destruction of the church Bible or of the liberty pole. Out of these stories began that hatred of the British which was the natural outcome of what was in effect a civil war. Nevertheless, it



From *A British Fusilier in Boston*, by Allen French; courtesy of Harvard University Press

REDRAWING AND INTERPRETATION OF A CONTEMPORARY PLAN OF THE CONCORD FIGHT BY AN UNKNOWN OBSERVER

must be noted that neither before nor after the Concord fight was any violence done in the town to unarmed civilians by the British officers or troops.

The American Defensive

All this time, upon the hill above the North Bridge, the force of the militia was slowly increasing. Some of the Concord men, no doubt, returned from their task of saving stores. The companies of Bedford minute-men and militia, and the single company from Carlisle, marched in and joined the Concord and Lincoln companies. There were, as well, men but not companies from Littleton, Westford, and Chelmsford. And the Acton company marched in under the command of their ill-fated captain, Isaac Davis. Destined to fall within the hour, young, vigorous, and fiery, he was of the finest type of yeoman patriot.

In command of these companies was Colonel James Barrett, sixty-five years of age, unable to march on foot, but strong enough to spend hours in the saddle. He was in consultation with Major Buttrick, with Lieutenant-colonel Robinson of Westford, and with prominent citizens of Concord. During these acts of capture and destruction the waiting force of Americans had grown to perhaps four hundred men. While they outnumbered the three companies stationed at the bridge, a force of little more than a hundred, they were considerably less than the total of the British in Concord. Marshalling the militia was Joseph Hosmer of Concord, acting as adjutant. When this man saw rising from the town a greater volume of smoke than had yet appeared, he went to Barrett and his little council of war, and pointing to the smoke, demanded, "Will you let them burn the town down?"

The American Offensive

It was then perhaps half past nine on a fine clear morning, with the smoke showing plainly. Already disturbed by its increase, Barrett and his councillors were not long in making a decision, strange to be taken by farmers and mechanics, momentous beyond any single act of resistance yet taken

in America. Others through preceding years may have reared the pyre for war; these were the men who struck the fire. They determined to march into the town or die in the attempt,—the first offensive taken by American troops against the regular troops of the British Empire.

William Smith, the Lincoln captain, offered to take his company and "dislodge" the British at the bridge. It was decided, however, for the whole to march down in column; and the lead was given, not to Smith, but to Davis and his Acton men.

Either the manoeuvers in getting into formation, or the evident numerical superiority of the provincials, had caused the British commander to call in his two advance companies. At first he formed his force on the western bank of the river, with the bridge at their back. The increasing activity among the Americans, however, now made him retreat across the bridge, and form his men for its defence. Tradition, and Lieutenant Sutherland's recently discovered narrative, say that the three companies were formed across the road, parallel to the river. With equal positiveness, the diary of Lieutenant Barker, who was also there, states that the British companies were in column, which, according to the drill books of the time, was the right formation for maintaining a continuous fire across the bridge by successive volleys from squads steadily replacing one another.

By the sudden withdrawal of the outlying British companies, Lieutenant Sutherland, preparing to follow Captain Parsons, found himself dangerously close to the Americans. Warned in time, he joined Captain Laurie before he crossed the bridge toward the militia; and after the crossing he stayed upon the bridge with a few men to take up the planks, himself raising the first.

The Decision to Fight

On the other side, the momentous decision to attack was made effective. Barrett had issued his order to march; and, standing at the top of the slope as the militia passed by him two and two, repeatedly warned them not to fire unless fired upon. For there was no positive news, as yet, of the slaying

at Lexington, and the Americans felt that they must wait to be attacked. To the tune of the White Cockade, played by the Acton fifer, the little column marched down the hill.

It was no gay affair, that march, despite the tune. The men were not soldiers, but householders and citizens, risking their lives and the future of their families on the chance of American success against one of the greatest military powers in the world. Neither jaunty defiance nor angry haste ruled that little procession, striding to the tap of drum and the thin fife. The task was one to undertake with solemnity, and all the deeper sentiments rose in the hearts of the men. One of the Concord captains declared that he went to the fight with the same feelings which he carried to church.

Buttrick led the van, and by his side was Robinson of Westford. Next came Davis of Acton, leading his men. Behind came the two Concord minute companies, with the minute-men of other towns following. The militia came next; and last came the Concord alarm company, the old men, "while a short Youth boiled up within their Veins, and strung their Nerves anew." Because of the narrowness of the roads, the men still marched two and two. Down the hill they moved by the byway, and reaching the main road, turned the corner and marched directly toward the bridge.

The Fight at the Bridge

As the provincials drew near, they saw the British on the bridge raising planks. Buttrick shouted a warning for them to desist, and they went back to their ranks. The provincials marched on. As they approached, warning shots, said to be three in number, were fired by the British into the river; but the Americans paid no attention. Another gun, possibly in the hands of an officer, was fired at them directly. The bullet passed under the arm of Robinson, and wounded an Acton and a Concord man. As the Americans still advanced, Laurie gave the order to the British to fire. The range was proper for the muskets of those days, the British aim not bad. Isaac Davis, just raising his gun, was shot through the heart, sprang high, and fell dead. Behind him Abner Hosmer, a

young man of Acton, likewise was instantly killed. Some few others were wounded by flying bullets.

Instantly Buttrick, described as leaping as he turned to his men, shouted the order, "Fire, fellow soldiers, for God's sake fire!" The response was immediate. All who could see to aim fired at the British; and some broke from the column in order to see to fire. And their aim was good. Among the British half the officers were wounded, a sergeant was hit, two men were dying, a third was mortally wounded. Others, an unknown number, were hurt. As the Americans continued to advance, and set foot upon the bridge, the British broke and fled.

This in essence was the famous Concord Fight. From Buttrick's first word to the flight of the regulars, it could have lasted scarcely three minutes. Yet here for the first time Americans had marched upon the regulars, received their fire, and returned it and held their ground.

One strange and unfortunate consequence of the first fight happened while the field lay deserted. Many of the provincials had returned with the dead and wounded to the Buttrick farm, leaving but half their number to cross the bridge with Buttrick and take post on the ridge in front. By the bridge a British soldier lay dead, and another dying. An American lad, crossing the bridge to join the force under Buttrick, seeing, perhaps, the soldier struggling to rise, struck him on the head with an axe and passed on. The three companies under Parsons, presently returning from the Barrett farm, saw the dying man, and without investigation, leaving him still in his agonies, hurried by and reported him as scalped. Passed along the ranks, the report was immediately exaggerated; before the day was out it was said that several were scalped, their ears cut off, and their eyes gouged out. The distorted incident gave rise to much hard feeling, and the story of the "scalping" was printed in British histories for nearly eighty years.

Preparations for British Retreat

Now was the time for action on Smith's part. To recall the searching parties, prepare transportation for his wounded, and push for Boston, was called for by the common sense of

From the engraving by Amos Doolittle; courtesy of Allen French, Esq.

THE FIGHT AT THE NORTH BRIDGE IN CONCORD

the situation. Yet he left Parsons and his men to their own devices, and wasted valuable time in Concord even after they returned. On the other hand the Americans, divided now and without plan, unable to attack the British in Concord and anxious only for their departure, hesitated and let time fight for them. Till Smith marched out the Americans merely watched and waited, not even preparing obstructions on his line of march.

Not till about noon were the British ready to start to return. The wounded Lieutenant Gould had been sent ahead in a chaise; the rest of the injured were carried with the column. Out Lexington Road, on which they had entered the town, the troops marched, with their flankers clearing the ridge above them. The march was without incident for the first mile, until the British reached Meriam's Corner.

Here was seen the consequence of Smith's delay. While the provincials who had fought at the bridge were approaching the Corner from the north, and men of East Sudbury from the south, the minute-men of Reading came marching down the Bedford road, and were nearest the Corner when the British rear guard crossed a little bridge which spanned the brook. In an exchange of volleys at fair musket range, the British had the worst. Leaving men dying on the ground, the regulars marched on.

The Running Fight

This began the famous running fight. From that time the British column was beset on both sides by Americans who ambushed it from every cover. They acted as individuals; for with the same impulse, every provincial company that reached the British line of march, scattered and acted each man for himself. Desirable as it would have been, more than once that day, for even a single company to attack as a unit, there is no record of such combined action except at Concord Bridge.

Long before the British reached Lexington, the men of Billerica, East Sudbury, Framingham, and even Woburn from the east, were on their flanks. Before the day was out the men of many other towns had taken part in the fight. At the

least, thirty-five hundred provincials had the chance of emptying their guns at the British, and took it. The chance was fair that the expedition would be entirely cut off.

Certainly Smith's detachment would have been captured but for the coming of support. Before reaching Lexington the column was totally demoralized. New to this kind of fighting, and perplexed by it, the men lost discipline, and the officers could not maintain control. It is true that at first the flanking parties, marching in the fields parallel to the road, at times caught Americans who, thinking themselves safe, were shot or bayoneted. But in that rough country the flankers became weary, and the men of the column were helpless to return the fire of the hidden provincials. The men shot wildly, wasted their ammunition, and were dismayed to see their companions fall before invisible enemies. Three miles from Meriam's Corner their ammunition was dwindling, all order was lost, and the officers were struggling hard to keep the retreat from turning into a flight.

At Fiske Hill, near Lexington, an attempt was made to stand the Americans off; and at a place favorable for the attempt, Pitcairn was marshalling his men. But the place was likewise favorable for an ambush, and a fire from close at hand caused his startled horse to throw him, and ruined the attempt. The horse ran among the Americans, and Pitcairn proceeded on foot; Smith was wounded in the leg, but kept his saddle. Another mile, and Lexington Green was reached; already, a proof of splendid courage, the men of Lexington had joined in the attack, to take their revenge for the morning's bloodshed. The regulars passed the spot of their earlier triumph, almost at a disgraceful run. Their officers formed them again, but hopelessly. But for the coming of a relief column, the British, almost desperate, would soon have had to surrender.

Percy's Relief Column

Meanwhile in Boston General Gage, even before he received Smith's note asking for support, had ordered his First Brigade to start out at four in the morning. A series of blunders caused the order to be neglected; the arrival of

Smith's note "produced an inquiry," but it was necessary to reissue the order. Even then the marines did not appear, because the order concerning them was sent to Pitcairn's quarters, and he was far away. Not till about 9 A. M. did the brigade march out. Another hour's delay, and it would have been too late to save the detachment.

The brigade was composed of the battalion companies of the 4th, 23d, and 47th Regiments, and the marines, all of whose flank companies had gone out with Smith. The force was commanded by Lord Percy, colonel of the 5th, acting as brigadier. With them went two light field-pieces, a valuable part of the equipment. The total of the men of the brigade was perhaps eight hundred.

All Boston had news of the fighting; the result only was in doubt. No longer hampered by the necessity of secrecy, Percy did not have to wait for the slow work of ferriage, but marched his men openly out Boston Neck, while in the faces of the disturbed and scowling Whigs his fifes played "Yankee Doodle." He took his route through Roxbury, Brookline, and Brighton to the Great Bridge over the Charles. Here there was a slight delay, because the planks had been taken up to prevent his crossing. The honor of securing the bridge and making it passable was claimed by Montresor the engineer. Percy's men passed on; but his supply-train was further delayed. Crossing at last, it followed the brigade, but only to be captured in Menotomy.

Relief Corps at Lexington

Percy, passing through deserted Cambridge, along the Harvard College buildings, prophesied that from the closed houses he would be attacked on returning. In Menotomy, the present Arlington, he met the wounded Lieutenant Gould who was only a few miles in advance of the detachment and could tell of its plight. The brigade must have hastened the faster; the noise of shooting was presently to be heard. Closer it came, and at last the rescuers could be seen by the men of the harassed detachment. With shouts the two forces joined. They met in Lexington, on the eastern side of the village, at a place where Percy could draw up his men on two

little heights, post his cannon for defence, and give welcome rest to Smith's weary men, who in this temporary safety threw themselves down exhausted. Such refreshment as could be got at Munroe's tavern, within the lines, was given them; and Percy accorded them as much time as he dared. While they rested, his cannon smashed a hole through the meeting-house, and nearer buildings were set on fire, because they gave cover to snipers. In early days much was made of this destruction, and many accusations of brutality were brought against the British because of the deaths of supposed non-combatants. Modern research has, however, disproved many earlier misconceptions, and today we understand more of the inevitable happenings in time of war.

In the pause, American leaders, now at last on the ground, tried to prepare for organized fighting. William Heath, lately appointed brigadier general, was on the spot, and with him Joseph Warren, who had quitted Boston on receiving definite news of the fighting. Heath had had little military experience, Warren had none at all; moreover there was no staff, no organization to call together the scattered companies and form them into regiments. The obvious strategy was systematic resistance to the regulars at selected points, so as to crush the flankers, and to check the column from time to time, when a close fire could be poured in on the regulars crowded together, waiting to advance.

British Retreat

Lord Percy gave little time either to his friends or to his foes. In less than an hour, at a quarter past three, the whole column was again on the march. Putting Smith's weary men in front, where the danger was least, Percy followed with the 47th, the 4th, the marines, and in the rear the 23d. Flankers were out, and the cannon were near the rear, where the pursuers came openly on the road, gathering in the British wounded and stragglers, and shouting defiance.

The openness of the country between Concord and Lexington, where there were walls and woods but few houses, now gave place to a district where houses were more frequent along the road. Walls, however, were everywhere, stone walls at that; and orchards too gave cover. Using these

protections, the Americans began their fire again as soon as the column was well upon its march. A "spirit of enthusiasm," as Percy said, possessed some of the provincials; they even advanced within a few yards of him or his officers, though certain to be put to death. Others, mistakenly confident of cover that protected them in front, were killed by flankers coming upon them from behind. There was bloody hand-to-hand fighting in many a dwelling. Nor could the regular, when it came to the bayonet, be chivalrous. He fought, bearing in mind the story of the "scalping" at Concord; he shared, too, his officers' hatred for this new and "murderous" fighting from cover, which bewildered him and put him in fear. For the Briton had been trained to stand in the open and be shot, and considered any other method was treacherous and unfair. Yet still the British were tenaciously and fearlessly waylaid. That was no gentle warfare on the road from Lexington.

In the village of Menotomy occurred a hot fight. If Heath planned this resistance, he did well. Warren was near death, for a bullet passed through his hair. The regulars were brought to a halt, and Percy had to call upon his cannon. Little damage as these two small pieces actually did, their moral effect was decided, for the provincials melted away before them. The column again took up its march, and approached Cambridge.

Through Cambridge to Somerville

Now was a critical moment of the day. If Percy had followed the road by which he came, attempting to reach Boston by Roxbury and the Neck, he would have had hard work to get through. For this time the Great Bridge across the Charles near Cambridge village was barricaded and defended against him, and there was no other way of crossing. This obstacle was due to Heath's foresight, and in addition it may well have been he who tried to block Percy's only alternative route by the second attempt (the fight at Concord in the morning being the first) to oppose the regulars in the open field. Again Percy was brought to a brief halt; and again he called upon his cannon. The farmers dispersed, as Percy

later wrote; and with true understanding he took the left hand road that they tried to block. Thus by going to Charlestown he shortened his path to safety, and avoided the dangerous passage of the Charles.

As the fighting went on, many Americans dropped out of the pursuit, their powderhorns empty. Their places were taken by those who came fresh to the field. The reported American casualities were not many, considering the length of the fight—ninety-three in all. Those of the British were two hundred and seventy-three. A question may well arise as to the long-boasted marksmanship of the Americans. If it is remembered that the men of Middlesex could not have had a backwoodsman's skill in shooting, that the best range of their clumsy smoothbores was but sixty or seventy yards, and that out of respect for the flankers that range was seldom attained, we have an explanation why the British casualities were not greater. If the Americans were protected by stone walls, so too in part was the hurrying line of the British.

As the regulars reached Somerville, the firing became hotter. The flankers, once more exhausted, were keeping closer to the column. The rear-guard had twice been relieved by other regiments. Beneath Prospect Hill the fighting was brisk, and for a third time since Lexington, Percy had to call his cannon to the front. The regulars won through that pass, and coming once more into the open, saw before them the hills of Boston and the houses of Charlestown. Two miles more, and the column would be under the protection of the guns of the fleet.

One more chance remained that the retreating British column could be halted. Men of Essex County had already appeared on the ground, fighting alongside the Middlesex men. Now at the last minute appeared three hundred men of Salem, marching under their colonel Timothy Pickering who, at first misinformed of the situation, now came hotfoot upon the road. He came in sight of the British as evening began to fall, when the fighting could be seen by the flash of the guns rather than by smoke. Pickering had sent to Heath word of his coming; he halted his men and ordered them to load. They were probably the best-drilled body of provincials in Massachusetts; had Pickering been ordered to throw them in

a body at the British flank, there must have been a check, heavy fighting, and at least more casualties than at any time that day. But Heath answered Pickering "that the British had cannon in their rear, and could not be approached by musketry alone." The chance was lost, and in the gathering dusk Percy's weary men tramped across Charlestown Neck. Their hard day's work was ended. The life work of men killed in action was also closed.

Return to Boston

Not till now did Gage take charge of the situation. He had not sent out a second detachment to meet Percy, nor had he as yet landed any troops in Charlestown. Depending upon the guns of his fleet to sweep Charlestown Neck, he sent Percy a note for his guidance. General Pigot would pass over with a reinforcement, and his boats were to be used to bring the grenadiers and light infantry back, with the wounded. Montresor would throw up a "sort of Redoubt on the hill." Later in the night, Percy's own men would be ferried to Boston. Already Gage, learning that Charlestown men had gone out with their guns to join in the fighting, had warned the selectmen of the town that any attack on the troops would bring on a bombardment. But the remaining citizens of the town were quite as afraid of the regulars as the General could be of them. The town was agitated; people left their houses in expectation of their destruction, and wandered about distractedly until their fears were allayed. General Pigot crossed, and on the slope of Bunker Hill that faced the mainland an entrenchment was begun, as if to meet an attack of the provincials.

Had Gage kept to this plan, finished his redoubt, and put in it the two hundred men and guns of which he wrote to Percy, he might never have had to learn that on Charlestown peninsula there was another hill than the one which commanded the Neck, a hill that was to become famous throughout the civilized world. But a short time assured him that there was no immediate danger to his troops. Charlestown was quiet, and the provincials from the mainland did not attack. He gave orders to level the entrenchment, and began transporting the

weary brigade, and the still wearier detachment, over to Boston. By midnight the wounded were in hospital, and the troops were all in their barracks. Only the nervous challenges of a heavier line of sentries on Boston Neck, and the strange appearance of camp-fires in Roxbury, showed that there was any difference from the previous midnight.

Significance of the Day

In reality there was all the difference in the world. The alertness of the provincial leaders had been justified, and their organization had worked well. Gage had underestimated his opponents; his troops had met failure. In battle the resourcefulness of the provincial had proved too much for the stubborn but bewildered courage of the regular. The military evils were now but minor details. The great fact was that Massachusetts was in rebellion and the siege of Boston had begun.

SELECT BIBLIOGRAPHY

BARKER, JOHN.—*The British in Boston; Being the Diary of Lieutenant John Barker of the King's Own Regiment from November 15, 1774 to May 31, 1776* (Cambridge, Harvard University Press, 1924)—With notes by Elizabeth Ellery Dana. A dependable account of the expedition to Concord.

BARRETT, AMOS.—*Concord Fight* (Boston, Todd, 1925)—Letter giving an account of the battle, written April 10, 1825, by Capt. Barrett, a minuteman and participant; with comments by and edited by Allen French. Reprinted from the copy in HENRY TRUE, *Journal and letters,* Marion, Ohio, 1900.

BLOOD, THADDEUS.—"Recollections of the Concord Fight" (*Boston Daily Advertiser,* April 20, 1886, p. 2).

CLARK, JONAS.—*The Fate of the Bloodthirsty Oppressors and God's tender Care of his Distressed People. A Sermon Preached at Lexington, April 19, 1776. To which is added A Brief Narrative of the principal Transactions of that Day* (Boston, Powars and Willis, 1776) —The narrative was reprinted by the Lexington Historical Society, 1901. A careful contemporary story of the fight at Lexington.

CLUB OF ODD VOLUMES, compiler.—*Late News of the Excursion and Ravages of the King's Troops on the Nineteenth of April, 1775* (Privately printed, Cambridge, 1927)—Contains the recently discovered contemporary narratives of Lieutenant William Sutherland, 38th Regiment, and of Private Richard Pope, 47th Regiment.

DE BERNIERE, HENRY.—*General Gage's Instruction of 22d February, 1775, to Captain Brown and Ensign de Berniere. Also, an Account of the Transactions of the British Troops, from the Time they Marched out of Boston, on Evening of the 18th, 'till their confused Retreat back, on the ever memorable nineteeth of April, 1775; and a return of their killed, wounded and missing on that auspicious day, as made to Gen. Gage. Left in town by a British officer previous to the evacuation . . . and now printed for the information and amusement of the curious* (Boston, J. Gill, 1779; reprinted in Mass. Historical Society, *Collections,* Second Series, Vol. IV, pp. 204-219, Boston, John Eliot, 1816).

EMERSON, WILLIAM.—[Diary of the 19th of April] (*Proceedings at the Centennial Celebration of the Concord Fight, April 19, 1875,* Concord, 1876)—From his interleaved almanac of 1775. Reproduced in *fac simile.*

FORCE, PETER, compiler.—*American Archives: consisting of a Collection of Authentic Reports, the Whole a Documentary History of the Causes and Accomplishment of the American Revolution. Fourth Series* (6 vols., Washington, 1837-1846)—Covers the period March 7, 1774, to July 4, 1776.

FRENCH, ALLEN.—*The Day of Concord and Lexington* (Boston, Little, Brown, 1925).

FROTHINGHAM, RICHARD.—*The Life and Times of Joseph Warren* (Boston, Little, Brown, 1865)—A writer of excellent historical books.

FROTHINGHAM, RICHARD.—*The History of the Siege of Boston, and the Battles of Lexington, Concord, and Bunker Hill* (Boston, Little, Brown, 1849)—See chap. II, "Lexington and Concord."

GAGE, THOMAS.—"A circumstantial Account of An Attack that happened on the 19th of April, 1775, on His Majesty's Troops, by a number of People of the Province of the Massachusetts-Bay" (PETER FORCE, *American Archives,* Series IV, 6 vols., Washington, 1837-1846)—See Vol. II, col. 435)—Duplicate of this production, MURDOCK's *The Nineteenth of April, 1775.* The original MSS. of Gen. Gage's instructions to Smith and his letter to Percy are among the "Gage Papers" in London.

GORDON, WILLIAM.—"An account of the commencement of Hostilities between Great Britain and America, in the Province of the Massachusetts-Bay . . . in a Letter to a Gentleman in England, dated May 17, 1775" (PETER FORCE, compiler.—*American Archives,* Fourth Series, 6 vols, Washington, 1837-1846)—See Vol. II, col. 625-631.

HEATH, WILLIAM.—*The Memoirs of Major-General Heath. Containing Anecdotes, Details of Skirmishes, Battles, and other Military Events during the American War* (Boston, I. Thomas and E. T. Andrews, Aug. 1798)—Gives his recollections of the day.

HOLLAND, HENRY WARE.—*William Dawes and his Ride with Paul Revere* (Boston, Wilson, 1878)—The family story of Dawes and his ride.

HUDSON, CHARLES.—*History of the Town of Lexington, Massachusetts; rev. and continued to 1912 by the Lexington Historical Society* (2 vols., Houghton, Mifflin, 1913)—A detailed study of the Lexington story.

MACKENZIE, FREDERIC.—*A British Fusilier in Revolutionary Boston; being the diary of Lieutenant Frederick Mackenzie* (Cambridge, Harvard University Press, 1926)—Edited by Allen French. The best account of Earl Percy's Expedition.

MASSACHUSETTS (Commonwealth): PROVINCIAL CONGRESS.—*Journals of each Provincial Congress of Massachusetts in 1774 and 1775, and of the Committee of Safety, with an Appendix containing the Proceedings of the County Conferences—Narratives of the Events of the Nineteenth of April, 1775—and Other Documents* (Boston, 1838).

MURDOCK, HAROLD.—*The Nineteenth of April, 1775* (Boston, Houghton, Mifflin, 1923)—Excellent historical criticism and narration.

PERCY, HUGH, earl.—*Letters of Hugh, Earl Percy, from Boston and New York 1774-1776* (Boston, Goodspeed, 1902)—Edited by C. K. Bolton. Contains his letters and his report to Gage; see pp. 49-51.

PICKERING, TIMOTHY.—[Letter giving his recollections of the day] (See *Historical Index to the Pickering Papers,* Mass. Historical Society, *Collections,* Sixth Series, Vol. VIII, p. 284, Boston, 1896)—MSS. stored with the Massachusetts Historical Society.

REVERE, PAUL.—[Letter to Dr. Belknap concerning events in April, 1775] (Mass. Historical Society, *Proceedings,* First Series, Vol. 16, pp. 370-376, Boston, 1879)—Also reprinted in *Old South Leaflet,* No. 222.

RIPLEY, EZRA.—*A History of the Fight at Concord, on the 19th of April, 1775* (Concord, Atwill, 1832)—Somewhat controversial.

SHATTUCK, LEMUEL.—*A History of the Town of Concord* (Boston, Russell, Odiorne and company; Concord, John Stacy, 1835)—See chap. VII.

STEDMAN, CHARLES (*pseud.* for William Thompson)—*The History of the Origin, Progress and Termination of the American War* (2 vols., privately printed, London, 1794)—Valuable in certain details.

STILES, EZRA.—Literary Diary (3 vols., N. Y., Scribner's, 1901)—Edited by F. B. Dexter. Contains contemporary material.

MANUSCRIPT SOURCES Depositions by participants and observers of the Concord-Lexington fight were taken soon afterwards; the originals are in the libraries of Harvard University (MS. "Lee papers," Vol. II) and of the University of Virginia. Reprints may be found in Force's *American Archives*, and elsewhere.

APPENDIX

LIST OF COLONIAL OFFICERS DURING THE PROVINCAL PERIOD 1691–1775

Governors

Sir William Phips	1691, Dec. 12–Nov. 17, 1694
Lt. Gov. William Stoughton (Acting Governor)	1694, Nov. –May 26, 1699
Richard, Earl of Bellomont	1699, May 26–Mar. 5, 1700
Lt. Gov. William Stoughton (Acting Governor)	1700, May –July 7, 1701
The Council	1701, July –June, 1702
Joseph Dudley	1702, June 11–Feb. 4, 1714
The Council	1714, Feb. 4–Mar. 21, 1714
Joseph Dudley	1714, Mar. 21– 1715
Col. Elizeus Burgess (Commissioned)	1714, Mar. 17–Apr. 1716
Lt. Gov. William Tailer (Acting Governor)	1715, Nov. 9–June 15, 1716
Samuel Shute	1716, June 15–Jan. 1, 1722
Lt. Gov. William Dummer (Acting Governor)	1722, Jan. 1–Mar. 7, 1727
William Burnet	1727, Mar. 7–Sept. 7, 1729
Lt. Gov. William Dummer	1729, Sept. 10– 1730
Jonathan Belcher	1729–30, Jan 8– 1741
William Shirley	1741, May 16–Feb. 25, 1757
Thomas Pownall	1757, Feb. 25–June 3, 1760
Lt. Gov. Thomas Hutchinson (Acting Governor)	1760, June 3–Jan. 14, 1760
Sir Francis Bernard	1760, Jan. 14–Aug. 2, 1769
Lt. Gov. Thomas Hutchinson (Acting Governor)	1769, Aug. 2–Nov. 28, 1770
Thomas Hutchinson	1770, Nov. 28–June 1, 1774
Gen. Thomas Gage	1774, Apr. 7–May, 1775

Lieutenant-Governors

William Stoughton	1691 –June 7, 1701
Thomas Povey	1702, Apr. 11– 1705
William Tailer	1711, Oct. – 1716
William Dummer	1716, –April 14, 1730
William Tailer	1730, Apr. 14–Mar. 1, 1731
Spencer Phips	1733, –Apr. 4, 1757
Thomas Hutchinson	1758, Jan. 31–Aug. 1769
Andrew Oliver	1771, Mar. –Mar. 3, 1774
Thomas Oliver	1774, –Mar. 1776

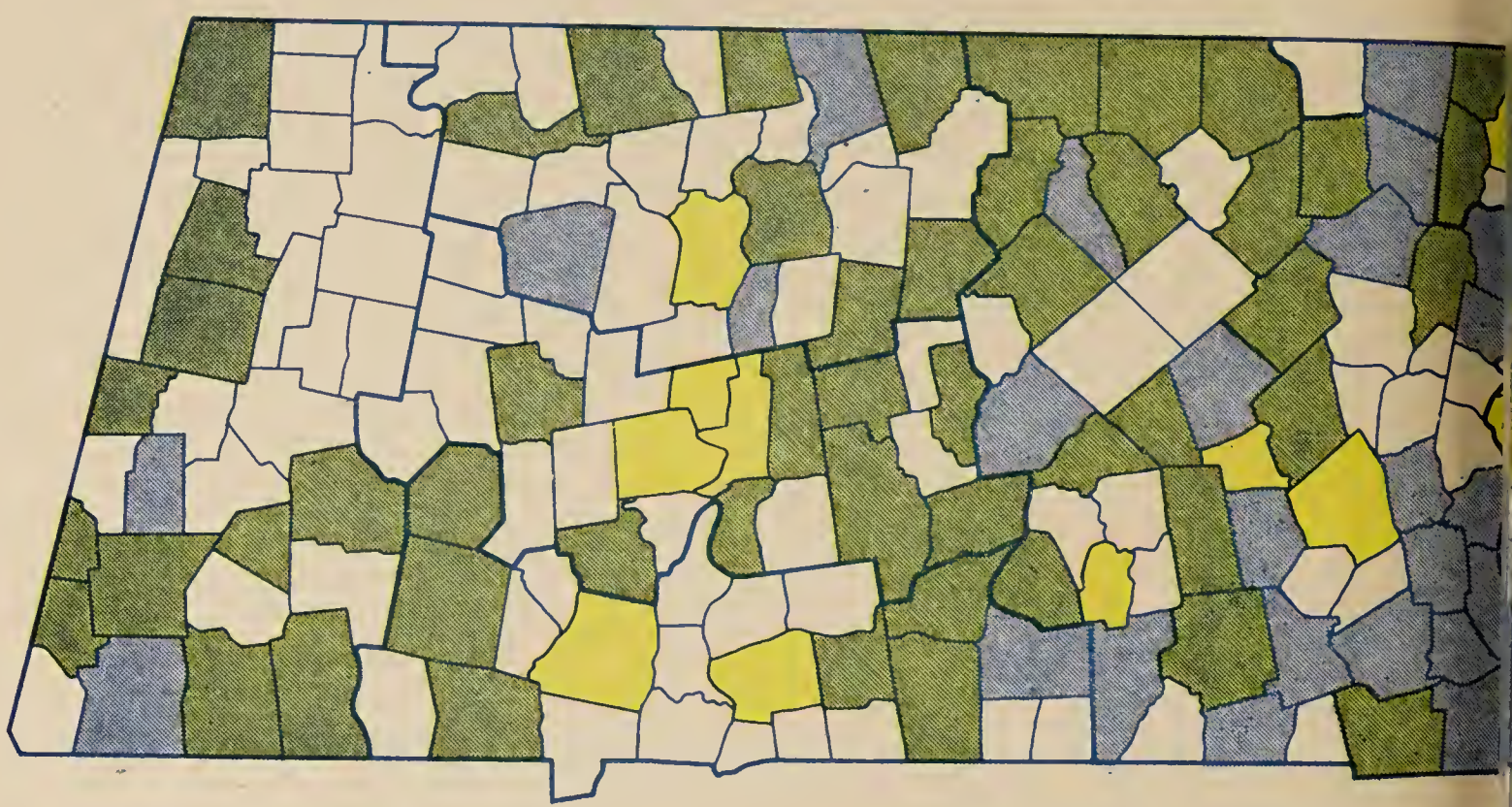
Secretaries

Isaac Addington	1692, Oct. 7–Mar. 19, 1714–15
Addington Davenport Paul Dudley	1715, Mar. 26–June 3, 1715
Samuel Woodward	1715, June 3– 1717
Josiah Willard	1717, June 17–Dec. 1, 1756
Andrew Oliver (Acting Secretary)	1756, – 1758
Andrew Oliver	1758, Mar. 2–Nov. 12, 1770
Thomas Flucker	1770, Nov. 12– 1774

Treasurers

(Elected annually by the Assembly)

John Phillips	1692, June 9–	1693
James Tailer	1693, June 17–	1714
Jeremiah Allen	1714, June 25–	1736
William Foye	1736, July 5–	1753
Harrison Gray	1753, June 22–	1714



SETTLEMENTS BY IMMIGRANTS DIRECT FROM ENGLAND

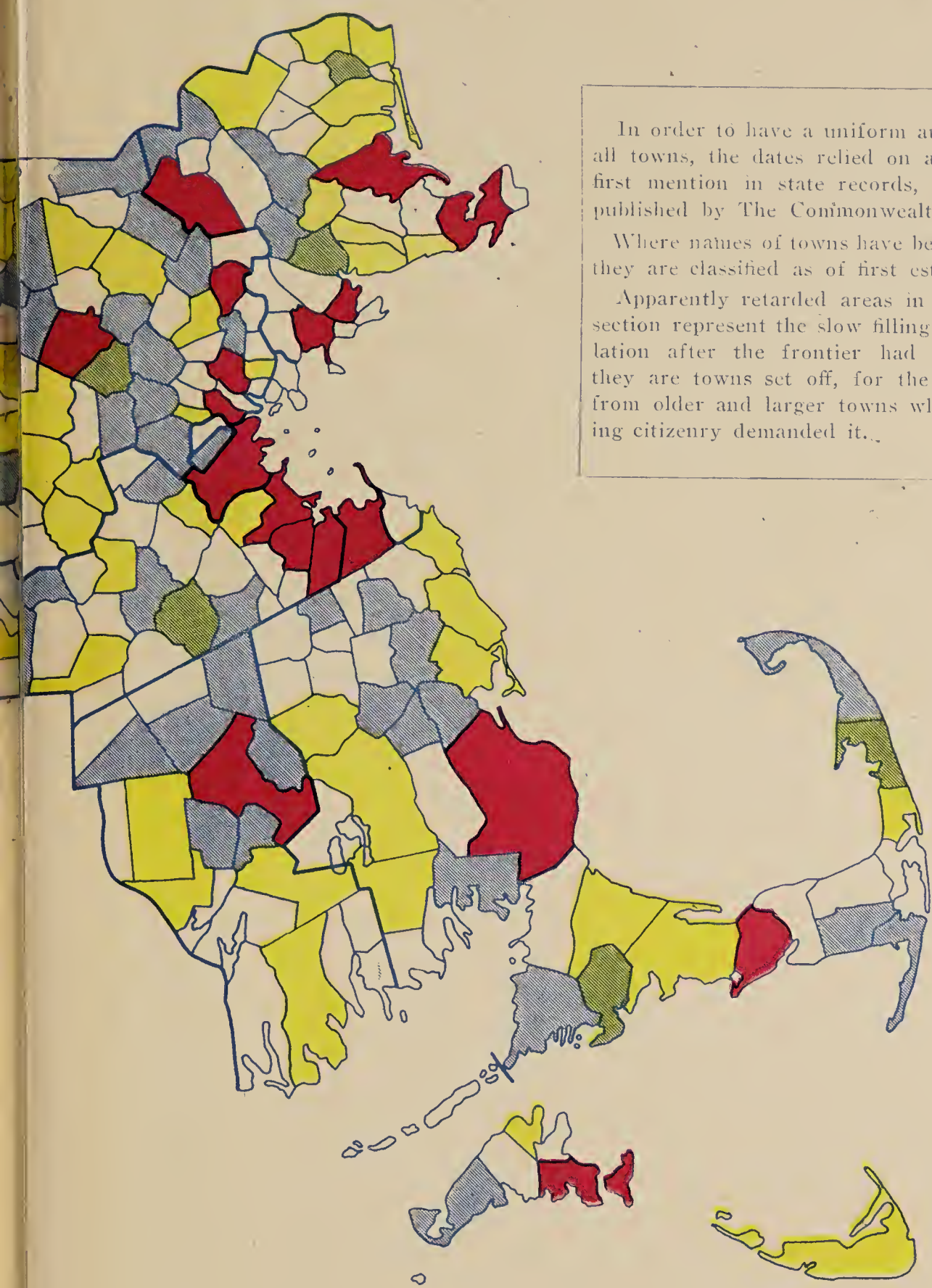
OTHER SETTLEMENTS UP TO 1690

SETTLEMENTS 1691 TO 1740

SETTLEMENTS 1741 TO 1765

SETTLEMENTS AFTER 1765

TOWNS OF MODERN MASSACHUSETTS IN 0



In order to have a uniform authority for all towns, the dates relied on are those of first mention in state records, as officially published by The Commonwealth.

Where names of towns have been changed, they are classified as of first establishment.

Apparently retarded areas in the eastern section represent the slow filling in of population after the frontier had moved on; they are towns set off, for the most part, from older and larger towns when a growing citizenry demanded it.

HE ORDER OF THEIR SETTLEMENT